

## Staff General Leave

The Board has provided a plan for leaves and absences designed to help members of the staff maintain their physical health, take care of family and other personal emergencies, improve professionally, and discharge important and necessary obligations. Proper notification of leaves is the responsibility of the employee. All Federal Department of Labor Family and Medical Leave Act requirements will be met. Any reference to paid "sick" leave in any law or policy for our BOCES is a reference to paid "general" leave.

**General Leave:** Paid general leave shall be available for any employee working at least 20 hours a week at a rate of one day for each **18.6** days (full eight hour days or equivalent) worked up to twelve days per year, but must fulfill entire contract to receive all days issued, otherwise days will be deducted. All absences shall be counted against general leave...i.e. staying home with a sick child or immediate family member, and all leave other than extra bereavement, maternity, or professional.

Starting January 1, 2021, any employee who works less than the above minimum requirements will still be entitled to at least 1 hour of paid general leave for every 30 hours worked, up to a maximum of 48 hours (6 days) per year.

For general leave purposes, the term "immediate family" shall be defined as father, mother, sister, brother, child, grandparents, spouse, or partner in a civil union. Exceptions may be made by the Executive Director.

General leave shall not apply during vacation leave, paid holidays or leaves of absence.

### **Accrual and payment upon retiring or termination**

Unused days may be accumulated up to fifty (50). Unused leave days over fifty must be redeemed for \$50 per unused day. Eligible employees who retire or resign can redeem all unused general leave days at the above rates. Employees with accrued hours and not days will be paid out at \$6.25 per hour.

### **Reinstatement upon rehiring**

If an employee separates from employment with the BOCES and is rehired by the BOCES within 6 months after the separation, the BOCES must reinstate any paid general leave that the employee had accrued but not used during the employee's previous employment if that accrued paid general leave had not been paid out at the time of the separation.

### **Additional leave during a public health emergency**

In addition to the paid general leave generally accrued, on the date a public health emergency is declared the BOCES will supplement each employee's accrued paid general leave as necessary to ensure that full-time employees who work 40 hours or more in a week may take at least 80 hours of paid general leave and that employees who work fewer than 40 hours in a week may take at least the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee works in a 14-day period. The BOCES may count an employee's unused accrued paid general leave toward the supplemental paid general leave.

An employee may use the supplemental paid general leave until 4 weeks after the official termination or suspension of the public health emergency. Leave under this provision may be taken for the following reasons:

- self-isolation or seeking medical care or treatment due to a diagnosis or symptoms of a communicable illness that is the cause of a public health emergency;
- caring for a family member who is self-isolating or seeking medical care after being diagnosed or is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- a determination from a local, state, or federal public official or health authority that an employee or a member of the employee's family that the employee cares poses a risk to the health of others;
- caring for a family member when the individual's school or place of care has been physically closed due to a public health emergency; or
- an employee's inability to work because of a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

Documentation is not required to take paid general leave during a public health emergency.

### **Nondiscrimination**

The Board, the Executive Director, other administrators and BOCES employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who takes, attempts to take, or supports taking paid general leave in accordance with this policy, files a complaint or informs any person about an alleged violation of the Healthy Families and Workplaces Act, or participates in an investigation, hearing, or proceeding related to such matter.

### **Notice**

To reduce unlawful discrimination and to ensure a healthy workplace environment, the administration is responsible for providing notice of this policy and the poster created by the Colorado Department of Labor and Employment to all BOCES offices and departments. The policy must be referenced in employee handbooks and otherwise be made available to all staff through electronic or hard-copy distribution.

**EAST CENTRAL BOCES  
BOARD POLICY**

Adopted: June 17, 2015

Revised: April 21, 2021

Revised: November 17, 2021

LEGAL REF.: C.R.S. 2-4-401 (*definition of immediate family*)  
C.R.S. 8-13.3-401 et seq. (*Healthy Families and Workplaces Act*)

CROSS REF.: GBGF, Federally-Mandated Family Leave  
GBGH, General Leave Bank  
GBGL, Staff Victim Leave  
GBJ, Personnel Records and Files

*NOTE 1: BOCES must retain records for each employee for a 2-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used. These records are subject to audit by the Colorado Division of Labor Standards and Statistics in the Department of Labor and Employment. C.R.S. 8-13.3-409(1).*

*NOTE 2: The Healthy Families and Workplaces Act does not apply to employees covered by a bona fide collective bargaining agreement in effect on the effective date of January 1, 2021 if the collective bargaining agreement provides for equivalent or more generous paid sick leave. It also does not apply to employees covered by a collective bargaining agreement that is initially negotiated or negotiated for the next collective bargaining agreement after the effective date of January 1, 2021 if the paid sick leave requirements are expressly waived and the collective bargaining agreement provides for equivalent or more generous paid sick leave.*

[CASB Revised November 2020]