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Staff Paid Leave

Use of Discretionary Leave

Discretionary paid leave is provided to staff for illness and other personal needs on an annual basis in accordance with this policy. By way of example only, discretionary leave may be taken for the following reasons:

- personal, mental, or physical illness, injury, or health condition or the need to obtain medical care, or the need to evacuate from an employee's place of residence due to inclement weather or unexpected events;
- the necessary care and attendance for the employee's family member who has a mental or physical illness, injury or health condition, the need to obtain medical care, or whose school or place of care has been closed due to inclement weather or other unexpected events;
- seeking medical attention or related services if the employee or a member of the employee's family has been the victim of domestic abuse, sexual assault, or harassment;
- the district has been ordered to close by a public official due to a public health emergency;
- the school or childcare provider for the employee's child has been ordered to close by a public official due to a public health emergency and the employee needs to be absent from work to care for their child; or

- bereavement, including funeral services and other financial or legal matters, after the death of a family member.

For discretionary leave purposes, the term "family member" means a member of the employee's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or a person for whom the employee is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the superintendent.

Requests for discretionary leave should be submitted to the principal/supervisor in writing at least 48 hours in advance, when possible, in order to lessen the impact on school activities and assure the availability of substitutes. No explanation is required for the discretionary leave request. If the discretionary leave is approved in advance by the principal or supervisor, the employee's pay will not be docked. Advance notice for illness is understood to typically be last minute; however, employees are required to notify their supervisor of leave due to illness at the earliest possible opportunity.

An employee's supervisor may require reasonable documentation, including a doctor's note, for approval of taking four or more consecutive paid discretionary leave days. Discretionary leave may not be taken 1.) on the day before or after a scheduled break, 2.) to extend a paid vacation, 3.) if more than three days are used consecutively, or 4.) by instructional staff on a scheduled in service day. Exceptions to the docking of pay in this instance may be approved by the Director of Human Resources for significant family events which occur at a time beyond the control of the employee. Employees may take unpaid discretionary leave upon approval of their supervisor.

Any health or safety information relating to an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information, treated as confidential medical records, and will not be disclosed except to the affected employee or with the express permission of the affected employee.

Accrual of Discretionary Leave

The number of days per year of discretionary paid leave shall be based on the length of the contract or notice of assignment (NOA) according to the following:

Contract/NOA less than 170 days: days are pro-rated 1;
Contract/NOA 170-195 days: 10 discretionary days;
Contract/NOA 196-239 days: 11 discretionary days;
Contract/NOA 240-260 days: 12 discretionary days.

One day shall be defined as the number of scheduled hours per regular school-work day for the assigned position.

Full-time and part-time personnel are able to accrue unused discretionary leave to a maximum of 75 days in their accrued sick leave bank. Staff may draw from their sick leave bank after all but two discretionary leave days have been used.

¹ At a minimum, employees shall earn 1 hour of discretionary leave for every 30 hours worked, up to a cap of 48 hours per year.

Absences not covered by paid discretionary leave days or which exceed accrued sick leave days shall be handled in the following manner: a reduction shall be made in the next pay check for each day of absence prorated on the basis of the number of days in the contract or notice of assignment.

Accrued Sick Leave

At the end of an employee's contract or notice of assignment for the current year the employee may convert any or all unused discretionary leave from the current year to accrued sick leave.

Accrued sick leave is to be used for illness of the employee, immediate family or anyone living with the employee requiring care. Verification of illness or justification for requiring care may be requested of any employee by their principal/supervisor.

Selling of Unused Paid Leave Days

At the end of an employee's contract or notice of assignment, all unused paid leave from the current year, less a minimum of 4 days, may be sold back to the district based on amounts in policy GBGG-R-3. That is, an employee must contribute 4 unused days to his/her individual sick bank for each contract or notice of assignment year in order to be eligible to sell back any remaining days from the current year only. Once an employee reaches an accumulation of 50 days in their sick bank, all unused discretionary leave will be available to "sell back" to the district based on amounts in policy GBGG-R-3. Employees may continue to accumulate days to a maximum of 75.

Reinstatement upon rehiring

If an employee separates from employment with the district and is rehired by the district within 6 months after the separation, the district must reinstate any discretionary leave (up to 48 hours/6 days) that the employee had accrued but not used or sold back to the district at the time of the employee's separation from the district.

Additional leave during a public health emergency

In addition to the paid sick leave generally accrued, on the date a public health emergency is declared the district will supplement each employee's accrued paid sick 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 sick 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 district may count an employee's unused accrued paid sick leave toward the supplemental paid sick leave.

An employee may use the supplemental paid sick 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 for 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 sick leave during a public health emergency.

Nondiscrimination

The Board, the superintendent, other administrators and district employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who takes, attempts to take, or supports taking paid sick 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 district schools and departments. The policy must be referenced in employee handbooks and otherwise be made available to all staff through electronic or hard-copy distribution.

LEGAL REFS: C.R.S. § 2-4-401 (definition of immediate family)
C.R.S. § 8-13.3-401 et seq. (Healthy Families and Workplaces Act)
C.R.S. § 14-15-101 et seq. (Colorado Civil Union Act)

CROSS REFS.: GBGE, Staff Maternity/Paternity/Parental Leave
GBGF, Federally-Mandated Family Leave
GBGH, Sick Leave Bank
GBGJ, Staff Bereavement Leave
GBGK, Staff Legal Leave