File: GBGG

**GBGG - STAFF LEAVE**

The board strives to help staff maintain their physical health, care for their families, and tend to other personal obligations or emergencies. As such it offers leave in accordance with Board Policy and as required by law. To the extent this Policy contradicts applicable law, the law will control.

**I. FULLTIME STAFF**

**A.** **PERSONAL LEAVE**

All nine-month and twelve-month fulltime employees will receive paid Personal Leave for essential obligations or for illness. Such leave will be certified at the beginning of each school year based on the months worked each year according to the working terms of the contract or employment agreement or as of the first day of employment.

* *Amount.* The maximum number of personal leave hours per year will be 76.5 hours for 9-month employees, 90 hours for 9-month employees working in Alamosa School District, and 102 hours for 12-month employees. In lieu of accruing personal hours per month, all hours will be given at the beginning of the year, however, if an employee leaves prior to fulfilling the employment agreement any used personal hours which have not been accrued will be docked from the employees last paycheck.
* *Unused Leave.* Unused personal leave may be accumulated from year to year but may only be used for sick leave, as defined by CRS 8-13.3-404(1) and articulated below in Section B.1~~,~~ and must not exceed 340 hours. Any sick hours accrued over 340 hours will be bought back at the rate of $50.00 per 8.5 hours or according to the benefits table by June 30th of each fiscal year.

If a fulltime employee moves to a part-time position any accrued personal leave will be reduced proportionally by the reduction in work time (e.g., an employee with 50 hours of personal who moves from 40 hours per week to 20 hours will have their personal leave reduced to 25 hours).

Accrued unused personal leave shall be paid at the employee’s hourly rate when an employee resigns or is otherwise separated from employment in the agency. An employee retiring/resigning from the agency after 20 years of continuous fulltime service will receive a stipend of $50.00 per 8.5 hours or according to the benefits table for accumulated sick hours not to exceed 255 hours.

1. Employees hired by programs funded by outside sources (i.e. grant funded positions) may not be entitled to this benefit due to funding
2. shortages. This decision will be made at the discretion of the program director in consultation with the executive director and board

* *Personal Leave is in Addition to Other Forms of Leave.* Personal leave is separate from professional leave, vacation, and holidays. Employees hired by programs funded by outside sources (i.e. grant funded positions) may not be entitled to this sick leave buy back benefit due to funding shortages. (This decision will be made at the discretion of the program director in consultation with the executive director and board.)

**B. PAID SICK LEAVE**

The Board recognizes that there may be times when an employee is unable to fulfill the duties of their position due to illness. Therefore, paid sick leave is provided for all employees in accordance with this policy, and federal, state, and local law.

* *When Employees May Use Paid Sick Leave.* BOCES will provide paid leave to employees who have accrued paid sick leave for the following conditions:

1. having a mental or physical illness, injury, or health condition that prevents them from working;
2. needing to get preventive medical care, or to get a medical diagnosis, care, or treatment, of any mental or physical illness, injury, or health condition;
3. needing to care for a family member who has a mental or physical illness, injury, or health condition, or who needs the sort of care listed in category (2);
4. the employee or the employee’s family member having been a victim of domestic abuse, sexual assault, or criminal harassment, and needing leave for related medical attention, mental health care or other counseling, victim services (including legal services), or relocation; or
5. due to a public health emergency, a public official having closed either (A) the employee’s place of business, or (B) the school or place of care of the employee’s child, requiring the employee needing to be absent from work to care for the child.
6. sick leave shall not apply during vacation leave, paid holidays or leaves of absence.

For sick 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 executive director.

* *Accrual of Paid Sick Leave*. Each employee earns at least 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours (6 days) per year. BOCES may provide paid sick leave that accrues at a faster or more generous rate than required and may satisfy the accrual requirements by providing employees with an amount of paid sick leave that meets or exceeds the 48 hours at the beginning of the year.

* *Documentation May Be Required*. Documentation may be required if the employee takes paid sick leave for four or more consecutive workdays. 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.
* *Separation and Reinstatement.* BOCES will not payout unused paid sick leave upon termination, resignation, retirement, or any other form of separation. However, BOCES will reinstate any unused paid sick leave if an employee is rehired within 6 months of separating from the BOCES.
* *Retaliation Prohibited*. The Board, the executive director, other administrators and BOCES employees will not take retaliatory action or discriminate against an employee who, in good faith, 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.

**B.1. ADDITIONAL LEAVE DURING A PUBLIC HEALTH EMERGENCY**

In addition to the paid sick leave described above, on the date a public health emergency is declared BOCES will supplement each employee’s accrued paid sick leave as necessary to ensure that 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. BOCES 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:

(a) needing to self-isolate due to either being diagnosed with, or having symptoms of, a communicable illness that is the cause of a public health emergency;

(b) seeking a diagnosis, treatment, or care (including preventive care) of such an illness;

(c) being excluded from work by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, such an illness (whether or not they are actually diagnosed with the illness);

(d) being unable to work due to a health condition that may increase susceptibility or risk of such an illness; or

(e) caring for a child or other family member who is in category (1), (2), or (3), or whose school, childcare provider, or other care provider is either unavailable, closed, or providing remote instruction due to the public health emergency.

* Documentation is not required to take paid sick leave during a public health emergency

**C. PARENT/CHILDCARE LEAVE**

Sick leave for maternity purposes shall be allowed any employee during the period of pregnancy and/or during such period of time the employee is temporary disabled because of, or contributed by, or pregnancy and/or complications, and for a reasonable time immediately following termination of the pregnancy as is medically necessary for the safety and health of the mother and/or the child. Also referenced in Policy GBGE.

**D. PROFESSIONAL LEAVE**

The Board will support a plan for leaves of absence designed to help members in the professional staff improve their individual competencies without loss of pay, and could include professional conferences, workshops, statewide or local. Such leave is granted at the discretion of the executive director and the program director and decided on its own merit.

**E. VACATION**

All 12-month fulltime employees are entitled to an annual paid vacation. Paid vacation for staff members will be 68 hours for the first through third year of service, 85 hours during the fourth through seventh year of service and 102 hours beginning the eighth year of service. Unused paid vacation may accrue from year to year but must not exceed 102 hours. Accrued unused paid vacation time shall be paid at the employee’s hourly rate upon separation regardless of the reason for separation. An employee who has worked six or more months, but less than one year may receive a prorated portion of paid vacation during the first summer of employment.

Vacation time exceeding three days must be preapproved by the employee’s immediate supervisor, project supervisor and/or the executive director at least four calendar days prior to taking vacation. BOCES will try to accommodate requests for vacation, but it retains discretion to deny such requests.

**F. HOLIDAYS**

Personnel tied directly to school district calendars are entitled to the regularly scheduled holidays of the district in which they are working. Personnel not tied directly to school district calendars are entitled to the holidays established by the San Luis Valley BOCES annual calendar. Staff working fulltime for 12 months will be provided 12 paid Holidays.

An employee assigned to classroom responsibilities may not use vacation or personal days before and after holidays (including spring break) without prior approval by the executive director. Unauthorized absences may result in a withholding of pay for the time missed by the employee. Unauthorized absences of more than two days by an employee may result in termination of employment.

**G. NOTICE**

When an employee is to be absent from the job for any reason, the employee shall notify the immediate supervisor and the BOCES human resource office as soon as the employee is aware of the impending absence. In no case shall this notification be later than noon. Failure to report personal or sick days to the BOCES human resource office shall be considered an unauthorized leave of absence and the employee may be disciplined in accordance federal, state, and local law.

**II. PART-TIME STAFF**

All of the afore mentioned shall also apply to part-time staff. All leave time, with the exception of vacation, for employees working less than full-time will be pro-rated based on percentage of time worked. Vacation only applies to 12-month staff and will be pro-rated based on percentage of time worked.

**III. LEAVE OF ABSENCE**

The Board, upon recommendation of the Executive Director, shall consider granting a leave of absence with the best interest of the SLV BOCES, its staff and the students it serves in mind, with the following conditions:

1. The employee must submit a written request to the Executive Director no later than March 1 of the previous year of the intended absence.
2. After March 1, the Board, at its discretion and upon recommendation of the Executive Director, and upon availability of a replacement, may grant a Leave of Absence to an eligible employee.
3. The leave of absence shall not exceed one working year.
4. The leave of absence shall be for one of the following purposes:
   1. Secure an advanced degree or training
   2. Medical leave for the employee or immediate family member
   3. Educational travel
   4. Other reasons that shall be considered on a case-by-case basis
5. Leave of absence shall be without pay or fringe benefits, including but not limited to, health insurance. It will be the responsibility of the employee to make payment arrangements with insurance companies if they wish to self-pay premiums while on leave.
6. Upon approval by the Board of a Leave of Absence, the employee shall:
   1. Retain his/her placement on the salary schedule.
   2. Have any accrued fringe benefits reinstated.
   3. Be placed in a position for which he/she is qualified.
7. Teachers on a leave of absence shall notify the SLV BOCES in writing no later than March 1 of their intention to return the following year or submit a written letter of resignation. The deadline may be extended due to health reasons upon receipt of written request to the Executive Director and approval by the Board.

Adopted: July 1, 2017

Revised: May 2021

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)*

CROSS REFS.: GBGF, Federally-Mandated Family and Medical Leave

GBGE, Maternity/Paternity Leave

GBGH, Sick Leave Bank

GBGL, Staff Victim Leave

GBJ, Personnel Records and Files

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