

CMS EMPLOYEE HANDBOOK SECTION 3: *Staff Leave and Absence*

Absence Notification

When it is necessary for a staff member to be away from their worksite, it is his/her responsibility to notify the supervisor as soon as possible and indicate the probable duration of the absence. Employees must give prior notification to his/her supervisor for any absence from work. Employees working remotely are required to be available during their assigned work hours. If a remote employee is not going to be available, they must make their supervisor aware of this in advance and put in leave on Skyward.

If an employee uses sick leave for more than three (3) consecutive days, he/she is required to provide a physician's certification in order to be paid for such absence. If an employee is on extended leave, he/she is required to contact the Employee Services Department.

Certified personnel who require a substitute must notify their principal/supervisor as directed. The absence must be entered into Skyward as well as the Absence Management System.

Holidays for Less than Twelve-Month Employees

Staff members who are hired for contracts of less than twelve (12) months will not accrue vacation. Holidays will be given as indicated on the school calendar. School calendars are available in each building and on the CMS website. Personal leave on the two (2) days immediately preceding or following a holiday or vacation requires approval from BOTH the immediate supervisor AND the Superintendent.

Holidays and Vacations for Twelve-Month Employees

Twelve-month employees shall have vacations based on their years of experience and job classification with Clovis Municipal Schools.

Twelve-month licensed administrators earn fifteen (15) days of vacation, which shall be taken only when approved by their supervisor.

All twelve (12) month support personnel will begin receiving vacation on their first pay period. Vacation leave will be earned at a rate of .415 per pay period. After the completion of five (5) years of service, all twelve (12) month support personnel will begin to accrue vacation leave at a rate of .625 per pay period.

Twelve-month employees will also have holidays as approved by the Superintendent. It is the intent that twelve-month employees have a total of 238 contract days.

Twelve-month employees may carry over into each new fiscal year a maximum of thirty (30) days of vacation. Days that have been accumulated in excess of thirty (30) as of June 30 of each contract year will be forfeited without compensation. If workloads disallow vacations as established, the Superintendent may approve vacation days during the school year. Vacation leave accumulated by employees prior to July 1, 1999 shall not be forfeited.

Full-time employees who have worked in a position where their contract year was less than twelve (12) months and are transferred to a twelve (12) month position, or their position is changed to a twelve (12) month position, will earn vacation as if all of their experience was in a twelve (12) month position.

Due to the District's need to have all employees on duty at certain periods of the year, the employee's immediate supervisor must approve use of vacation days.

Absent Without Leave

An employee shall be deemed Absent Without Leave when absent from work due to:

- A reason that conforms to a policy currently in effect where the maximum days provided in that policy will be exceeded; or
- A reason that does not conform to any policy currently in effect; or
- Failure to report to work without prior notification to the supervisor

In no case shall an employee be compensated for time lost due to being absent without leave. An employee who is absent from work without prior approval is subject to disciplinary action. This includes anyone who was unable to obtain prior approval due to unusual circumstances when such approval is denied upon the employee's return.

Sick Leave

Sick leave for District personnel is a designated amount of compensated leave that is to be granted to a staff member who, through personal or family illness, injury, or quarantine, is unable to perform the duties assigned.

Family, for purposes of sick leave, shall include: spouse, children, parents, siblings, grandparents, grandchildren, and like relations created by marriage (e.g. stepchild, father-in-law, etc.). Family illness, for purposes of sick leave, shall not exceed a period of three (3) days, unless the Superintendent grants approval.

Sick leave may include other excused absences, such as medical, dental, or optical examination or treatment impossible to schedule on non-duty days. Each staff member shall be credited with a sick leave allowance at the rate of one (1) day per month up to twelve (12) days, determined by the number of months employed:

- Twelve-month employment = 12 days
- Ten-month employment = 10 days

On June 30th, employees may roll up to a maximum of one hundred seventy-three (173) days.

Annually, employees who have more than 40 sick days accumulated as of December 1st, have the ability to apply for a cash payment in the amount of \$100.00 per day for up to 15 days. Only days in excess of the required minimum of 40 sick days will be eligible for reimbursement.

When a staff member exhausts all days of accumulated sick leave, an unpaid leave of absence must be requested, pursuant to District policy.

Sick leave of any staff member who does not serve a full school year shall be prorated at the rate of one (1) day per month.

Sick leave may be used for childbirth during the time the physician verifies that the employee is physically unable to perform her normal duties. If the employee does not wish to return to her duties following childbirth, an extended leave of absence must be requested, consistent with existing District policy.

Upon request, the staff member shall inform the Superintendent of the following:

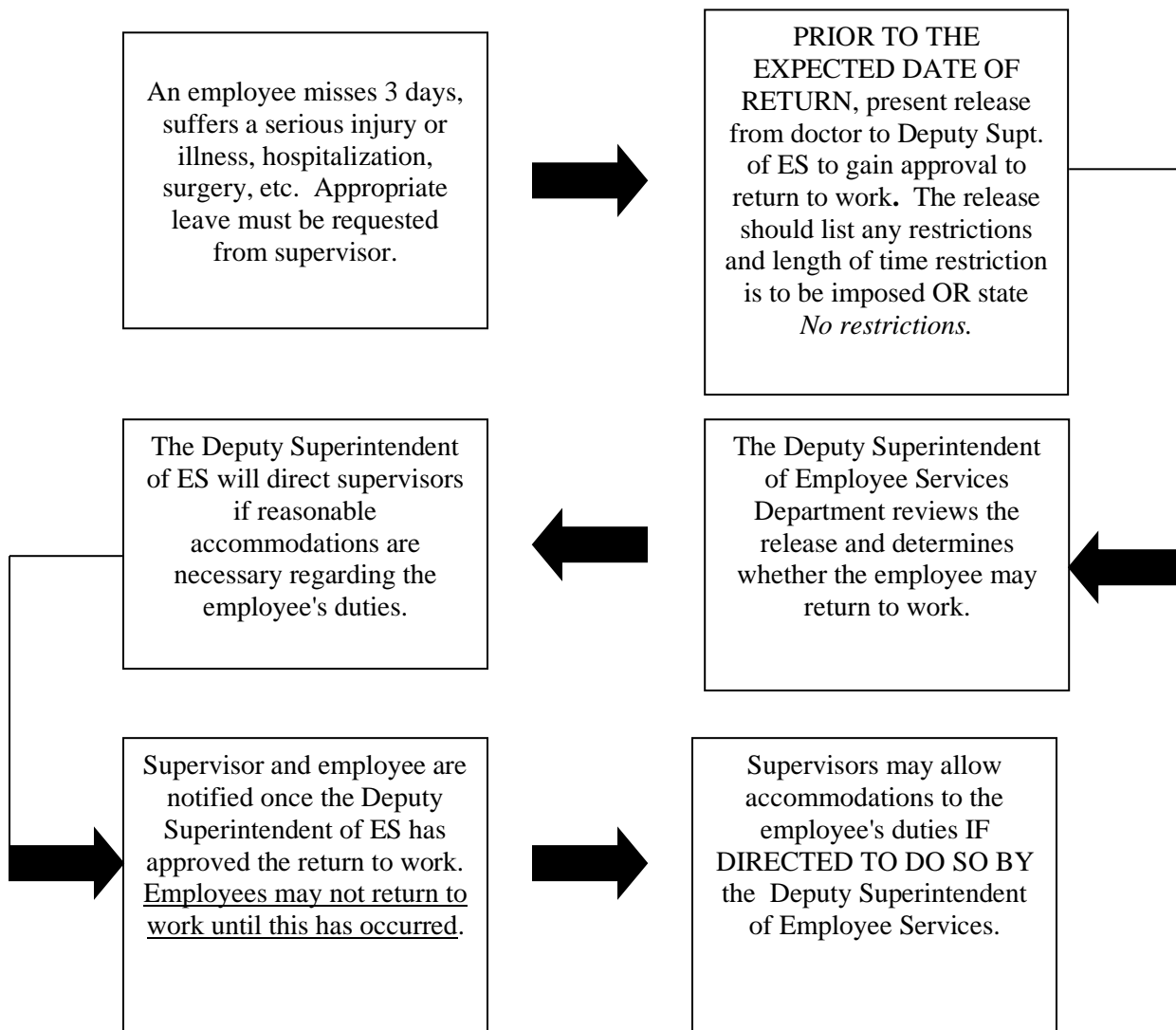
- Purpose for which sick leave is being taken
- Expected date of return
- Where the staff member may be contacted during the leave

Sick leave is only for the purpose of recuperative activities, e.g., obtaining medical care or treatment, procuring medications or other prescribed materials, convalescing at home or at a medical facility, or other therapy or activity prescribed by the employee's physician or health practitioner. Verification is required if requested by the Superintendent. The District may require documentation from a health practitioner that sick leave was properly taken or the employee can return to work. The District requires a doctor's release when an employee has missed three (3) consecutive days or suffers a serious medical condition such as an injury, serious illness, surgery, or is hospitalized. The District may, at District expense, require the employee to submit to medical or psychiatric

examination by a physician or psychiatrist selected by the District to determine: (1) whether or not the continued use of sick leave is appropriate, or (2) whether return to duty is appropriate. Any employee who can be shown to have willfully violated or misused the District's sick leave policy or misrepresented any statement or condition will be subject to discipline, which may include reprimand, suspension, and/or dismissal.

Employee Return to Work Protocol

Any employee who misses work for three (3) consecutive days, suffers a serious injury or illness, hospitalization, or surgery must present a release from a doctor to the Deputy Superintendent of Employee Services before returning to work. The chart below is designed to assist employees in understanding the process. Employees are not required to disclose protected health information to supervisors. Employees should contact the Employee Services Department with questions related to the return to work protocol.



Bereavement Leave

An employee may be granted, upon request to the Superintendent, up to three (3) days of bereavement leave per year, deducted from sick leave, to be used in the event of death in the employee's family as defined in Board Policy GCCA: spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, nephews, nieces of the employee and spouse as well as like relations created by marriage e.g., stepchild, father-in-law, etc. Two (2) additional days may be granted (if the employee has accrued leave) when the travel to the funeral site is a significant distance away. In the absence of leave, and upon request, the Superintendent may approve an unpaid leave of absence for each day of extended bereavement leave.

Personal / Emergency / Religious Leave

Each staff member will earn personal leave not to exceed nine (9) days per year deducted from sick leave. No more than ten percent (10%) of the staff or other groups of employees may take personal leave at any one time. Requests for personal leave must be received at least three (3) working days prior to the first day of leave, and must be approved by the immediate supervisor. Requests shall be acted upon in order of receipt, and the availability of substitutes, if necessary, may limit the number of requests granted at any one (1) time.

Personal leave may not be granted during the following periods without prior written approval of the Superintendent:

- Two days immediately preceding or following a holiday or vacation
- During the first two (2) weeks or the last two (2) weeks of school
- Ten (10) days prior to the first instructional day and five (5) days after the last instructional day in the school calendar

Leave of Absence Without Pay

The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations, Leave of Absence Without Pay, may be granted a member of the certified or support staff for no longer than one (1) year.

Leave of Absence may be requested for, but not limited to, the following purposes:

- Additional education that relates to the employee's primary assignment
- To provide for an unpaid leave in a situation where the employee will be absent from work due to: (1) a reason that conforms to a policy currently in effect but the maximum number of days provided in that policy will be exceeded, or (2) failure to report to work without prior notification to the supervisor
- For a Leave of Absence that benefits or is in the best interest of the District, as determined by the Board upon review of the application
- For leave under the Family and Medical Leave Act

A Leave of Absence requested pursuant to this policy may be:

- Approved by the Superintendent if the leave period does not exceed twelve (12) weeks; or
- Recommended by the Superintendent and approved by the Board if the leave period exceeds twelve (12) weeks

The District shall not deny a request for Leave of Absence if the employee is entitled to the leave under the Family and Medical Leave Act. All other applications for Leave of Absence may be granted or denied by the District, at its sole discretion.

Each request for a Leave of Absence shall be in a written application stating the purpose, starting date, duration of the Leave of Absence, reasons for its necessity or desirability, and any other information the applicant deems relevant to the request.

The Leave of Absence shall be only for the purpose and duration approved and may not be extended without written approval by the District.

All rights of retirement, salary increments, and other benefits shall be restored at the level earned when the leave was granted. Licensed teachers may also have their status restored. All accrued sick, vacation, personal, and other paid leave shall be applied to the leave period unless otherwise agreed to by the District or prohibited by the Family and Medical Leave Act.

Military / Legal Leave / Miscellaneous

The Board recognizes that its employees have citizenship responsibilities. In order to make it possible for employees to carry out their responsibilities to the city, county, state, or nation, the Board may grant such leaves as indicated below. When an employee receives notice that requires leave as delineated above, it is the responsibility of the employee to notify the Superintendent or principal.

Subpoena

You will be granted leave if you are served a subpoena for a deposition or a trial that is related to your employment. Please notify your supervisor as soon as you receive the subpoena. It is the intent of this section to apply to defendants and subpoenaed witnesses. It does not apply wherein a staff member instigates a lawsuit.

Jury Duty

It is recognized by the Board that no employee is exempt from jury duty and that leaves of absence for such duty must be granted. An employee on jury duty will receive their regular salary.

- Staff members who are requested to serve as an election official in city, county, state, or national government or bond elections, jurymen, or witness by subpoena will not claim remuneration for such duty performed during the duty day and no deductions will be withheld from the salary.

- An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed, as well as possible disciplinary action.

Military Leave

An employee who is a member of the uniformed service may use leave and be given reemployment opportunities in accordance with the Uniformed Services Employment and Reemployment Rights Act.

Community Service and Civic Leave

The principal and superintendent or his/her designee must approve absences due to community service in advance. The maximum allowable Community Service and Civic Leave will be five (5) days per year.

Professional Services Leave

Staff members, who are requested to serve as an activity official, judge for a contest, or other similar educationally related activities, will submit the remuneration they may receive to the District, if the service was rendered during the duty day. The individual may retain remuneration earned for services after the duty day. Permission to render professional service must be received from the immediate supervisor and the Superintendent prior to commitment. The maximum allowable Professional Service Leave will be five (5) days per year. It is the intent of this policy that a staff member should not receive compensation from Clovis funds and another fund from another source, which would amount to more of a salary than the staff member would have received from the District.

Conferences / Visitations / Workshops

To attend meetings or conferences, licensed employees must obtain approval from the administration at least twenty (20) days prior to the meeting or conference dates whenever such a prior request is possible.

The following guides will be used in granting released time and/or travel expenses:

- Value of the meeting or conference
- Budgeted fund availability
- Availability of a substitute, if necessary

Forms and instructions for filing travel claims are available at the District Administration Building.

Special Assignment Leave

A certified/licensed staff member may be requested or assigned to represent the District, school, or department in an activity that directly relates to the certified/licensed staff's duties. The District shall pay substitutes.

Professional Activities Leave

Professional Activities Leave is to provide an opportunity for staff members to participate in professional organizations, which enhance the delivery of services to students and professional educational growth on a local, district, state, and regional basis. When serving as a leader or similar position; the Superintendent may grant approval for the absence (maximum of five (5) days per school year) and the substitute will be paid by the District. Permission for such absence is to be requested in advance from the immediate supervisor and the Superintendent. Special consideration on an individual basis shall be given to those elected or appointed as a state or national officer.

Staff members desiring to run for a state presidency, national office, or accept a national appointment, shall be reviewed on an individual basis by the Superintendent.

Requests for Professional Activities Leave over and above-set limits shall be evaluated by the Superintendent to determine the benefit to the District. Professional Activities Leave days shall not accumulate from year to year.

Sabbatical Leave

Upon approval, as a part of a compensation plan, the Board may grant Sabbatical Leave showing direct benefit to the instructional program to licensed teaching and administrative personnel for a maximum of one (1) year in accordance with 22-10A-35 through 22-10A-38 NMSA 1978, and 6.66.4.8 NMAC. The certified/licensed staff member must submit an application to the Clovis School Board no later than January 15 of the school year preceding the leave request period.