

LEAVE OF ABSENCE

1. A leave of absence is permission granted by the Governing Board, or allowed under its adopted policies, for an employee to be absent from duty for specified periods of time with the right of returning to employment on the expiration of the leave. All absences of Governing Board employees from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance by the Governing Board and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed granted in advance if prompt report is made to the proper authority. No leave, except military leave, shall be granted for a period greater than one (1) year. A new leave application may be filed and granted at the expiration of leave, but automatic renewals of leave shall not be allowed, unless a currently existing charter agreement provides otherwise. Requests for extensions of leaves may be approved by the President or Management Company Representative or his/her designee based on the needs of South Tech Charter Academy, Inc. A leave of absence may be with or without pay unless otherwise provided by law, rules of the State board of Education, Board policy, and/or negotiated contracts. If the terms of a collective-bargaining agreement differ from this Policy, the language of the employee's agreement will take precedence. The following types of leave are available to South Tech Charter Academy, Inc. employees:
 - a. Leave for personal reasons
 - b. Annual leave (vacation) for 12-month personnel
 - c. Sick leave
 - d. Catastrophic leave (extended illness)
 - e. Injury or illness in-line-of-duty leave
 - f. Temporary military leave
 - g. Regular military service
 - h. Professional leave and extended professional leave
 - i. Charter school leave
 - j. Voluntary/extended military leave
 - k. Leave of absence for the purpose of campaigning for political office
 - l. Personal leave including maternity/recovery and child care
 - m. Jury Duty (see Governing Board Policy 3.70)
 - n. Domestic violence leave
2. Paid Leaves: Requests for paid leave of absences shall be made on South Tech Leave of Absence form available in the Personnel office. This form is incorporated herein by reference as part of this Policy.
 - a. **Leave for Personal Reasons.**-- An employee shall be allowed six (6) days' paid leave for personal reasons each year to be charged against accrued sick leave, provided that such leave shall be non-cumulative and does not interfere with the school/department operation.
 - b. **Annual Leave for 12-Month Personnel – Except Administration --**
 - i. An employee who is employed on a twelve-month basis shall be allowed annual leave, exclusive of holidays, with compensation, as follows:
 - A. An employee with less than five (5) years of total continuous service* at a rate of one (1) day per month, cumulative to twelve (12) work - days per year.
 - B. An employee with five (5) to ten (10) years continuous service* at a rate of one and one-quarter (1 1/4) days per month, cumulative to fifteen (15) work - days per year.
 - C. An employee with ten (10) years or more of continuous service* at a rate of one and one-half (1 1/2) days per month, cumulative to eighteen (18) work - days per year.
 - D. For the purposes of annual leave accrual in determining continuous service, total years of service will be recognized from other Florida Retirement System (FRS)_ agencies provided that the effective date of employment with this District does not exceed more than fifteen (15) business days from the termination date of the previous FRS employer.

* Years of service shall be the total combined years of service with South Tech Charter Academy, Inc. Board and the FRS..

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- ii. Accrued annual leave shall not exceed sixty (60) work days on June 30 of each year, pursuant to Fla. Stat. § 1012.65. Annual leave may be granted by the Academy President or Management Company Representative upon the written request of the employee, with prior recommendation by the employee's administrative superior. Annual leave for an employee shall be scheduled so that there will be minimum disruption of the operation of the school.
- c. **Administrators** will have a separate leave package. Annual leave will be granted at a rate of 1-1/2 days per month. Annual leave for Administrators must be used or lost at termination of employment. It cannot be "cashed out". (**Refer to Policy 3.20**) Administrative sick leave shall be governed by the section of this policy defining Sick Leave, and is consistent for all employees.
- d. **Sick Leave – All Employees**
 - i. *Extent of sick leave.*-- A Governing Board employee shall be credited with four (4) days of sick leave as of the last day of the 1st month of regular employment of each appointive year, and shall thereafter earn one (1) day of sick leave at the end of each calendar month provided that the employee has been on duty or compensable leave a minimum of eleven (11) days within the month; and provided further, that the employee shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment.
 - A. Sick leave shall not be used prior to the time it is credited to the employee.
 - B. If the employee terminates employment and has not earned the four (4) sick days available, the Board will withhold the average daily amount for the sick days utilized but unearned by the employee.
 - C. An employee whose duty-day basis changes shall have sick leave balance as a permanent half-time employee converted at the rate of two (2) part days of sick leave to one (1) full day of sick leave. The same principle applies to a permanent full-time employee whose duty-day basis changes to a permanent half-time employee by converting all credited sick leave at the time of change to one (1) full day of credited sick leave to two (2) part days of sick leave.
 - ii Sick leave for all employees shall be cumulative from year to year with no limit on the number of days accrued. An employee returning to the District after a leave of absence or resignation shall be entitled to the accrued balance credited at the time of such leave or resignation, unless the employee received payment previously, either in part or full, for that time.
 - iii. An employee may use accumulated sick leave for absence due to disability caused by pregnancy, miscarriage, abortion, childbirth, and recovery there from, all of which shall hereafter be referred to as pregnancy. Should sick leave be insufficient, personal leave provisions may be used for pregnancy. The employee will have the duty to inform the School at least one month before expected date of leave so that a temporary replacement can be provided. Similarly the employee should keep the Principal or supervisor informed as to the date of probable return to assignment after delivery and recovery. Return from pregnancy or other extended leave shall occur at the end of a grading period.
 - iv. An employee requiring more than thirty (30) working days of paid leave for recovery may be required to submit medical evidence at reasonable intervals supporting the need for additional leave.
 - .v. Sick leave claims shall be honored as submitted by the employee for personal illness, as well as illness or death of father, mother, brother, sister, husband, wife, child or other close relative, or member of the employee's own household.
 - vi. Employees that are experiencing documented health issues requiring greater than twenty days leave for convalescence, lack sufficient days of leave (sick, personal, and annual, combined) to provide coverage, and who are ineligible for American Family Medical Leave Act benefits may have leave days donated to them by other employees. Use of donated days will begin upon depletion of all days of leave time earned by the employee on leave,

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and will continue until the employee is cleared to return to work by a physician or has depleted donated days of leave. Days may be donated by eligible employees and used on a day-per-day basis without regard to daily rate. Employees are to be under no obligation or pressure to contribute leave time, and such contributions are to be strictly on a voluntary basis for compassionate reasons. Donor's names will be kept confidential. Donated days that are not used by the recipient will be re-credited to the donor.

- vii. Employees who exhaust their leave earned while employed at the Conversion Charter School may have access to the balance of their leave, if any, being held by Sponsor on the following conditions: That the President or Management Company Representative of the Conversion Charter School certify to the Sponsor that the employee has exhausted his or her leave earned while employed at the Conversion Charter School, and is or has been out for more than ten (10) consecutive days due to reasons of illness or injury; that the President or Management Company Representative has received medical verification to substantiate the need for the leave. If the conditions are met, the employee shall be permitted to utilize and be paid for by Sponsor for leave days used until the employee is able to return to work, but only to the extent that such days are being held by the Sponsor.
 - viii. The President or Management Company Representative may require a doctor's statement of verification of illness.
 - ix. A false claim for sick leave shall be grounds for dismissal by the Board.
- d. **Catastrophic Illness or Injury Leave --**
- i. A catastrophic illness or injury shall be defined as a medical condition not covered by Workers' Compensation requiring absence from work greater than fifty (50) working days of consecutive absence for a single illness or injury.
 - ii. An employee who sustains a catastrophic illness or injury may apply for and receive for use on a matching basis supplementary catastrophic illness or injury leave not to exceed the number of regular, unused sick leave days that the employee had accumulated on the first day of the regular sick leave applied to the catastrophic illness or injury. **Section (2)(D) excludes absences due to injury covered by Workers Compensation.**
 - iii. Two (2) medical verifications of such catastrophic illness or injury shall be required. Employees shall fully cooperate with the Governing Board and shall authorize the release of any medical records necessary. The Governing Board shall satisfy itself that any claim for catastrophic illness or injury leave is legitimate and correctly states the facts. The Board may at its expense require an independent medical examination.
 - iv. The Governing Board's granting of matching leave days shall begin on the fifty-first (51) scheduled work - day of catastrophic illness or injury.
- e. **Injury or Illness In-Line-of-Duty Leave.--** An employee who is absent due to injuries or illness clearly received in the discharge of assigned duties shall be entitled to additional sick leave benefits as hereafter provided:
- i. An employee who is injured in-the-line-of-duty may be entitled to a maximum of 10 non-cumulative leave days which shall not be charged against the employee's sick leave balance. This LOD leave will not exceed ten (10) school/business days per injury and ten (10) school days per school year. Requests for this leave shall be made on TDE Leaves form (STACI Form 032) available in the Personnel office
All claims for such leave must clearly substantiate an injury received in carrying out assigned duties. Additionally, such paid leave shall only be awarded for the duty days for which the employee has been actively employed. After ten (10) school days have been exhausted, the employee may apply for unpaid leave if eligible.
 - A. Leave will not be payable under this section if the injury occurs while the employee is intoxicated, or; while under the influence of any narcotic drug, barbiturates, or other stimulus not prescribed by a physician, to such extent as to deprive the employee of normal faculties to drive, be in actual physical control of, or operate, while on duty, any automobile, truck, or other vehicle, and the injury is caused primarily by the intoxication or impairment of the employee.
 - B. Leave will not be payable under this section to an employee when that employee willfully or intentionally causes injury to self or to others while on duty.

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- C. If the injury is caused by the intentional refusal of the employee to properly use equipment or observe safety rules required by statute or this District, and said rules have been reviewed by the employee prior to the accident, compensation as provided by Fla. Stat. § 440.09(4) shall be reduced by twenty-five (25) percent.
- ii. When an employee can clearly demonstrate that the contracting of a disease was from the school center or department to which assigned, then the employee may qualify for a maximum ten (10) days of non cumulative illness in-line-of-duty leave.
 - iii. An absence for illness in-line-of-duty leave may be granted when the employee can clearly demonstrate the contracting of an infectious or contagious disease at the work location for which inoculations are not available and exclusive of upper respiratory infections or complications there from. Common colds, influenza or other illnesses common to the public are not to be considered as illness in-line-of-duty. Further, this contagious disease must be exclusive of upper respiratory infections or complications there from and must be one for which inoculations are not available.
 - iv. In cases of unusual illness or injury in-the-line-of-duty, an employee may make a request to the President or Management Company Representative, or his designee, for additional compensated leave days. If the President or Management Company Representative or designee is satisfied that the condition warrants, additional leave days shall be authorize
 - v. An employee who has claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall notify the President or Management Company Representative or department head as soon as such illness or injury is apparent and shall file a claim by the end of each month or pay period as requested during which such absence has occurred. The Governing Board shall satisfy itself that the claim correctly states the facts and that such claim is entitled to payment. An employee who has a claim under this policy shall fully cooperate with the Board and shall authorize the release of any medical records as necessary.
- f. **Temporary Military Leave.**-- If the obligation for temporary military service cannot be met outside the time of contractual employment, temporary leave for military service with the United States Armed Forces or the Florida National Guard will be granted with pay not to exceed seventeen (17) days in any one annual period of compensation as provided in Fla. Stat. § 115.07, or the member of the staff may request uncompensated military leave. All efforts should be made to prevent such leave being taken during the time school is in session. Requests for temporary military service should be made by letter and filed with the President or Management Company Representative **or designee** for Board action. If possible, this shall be done prior to the Board meeting preceding the date of leave.
- g. **Regular Military Service Leave.**-- An employee who is required to serve in the United States Armed Forces or the Florida National Guard shall be granted military leave. Other than temporary personnel, an employee granted military leave shall receive full remuneration for the first thirty (30) days of active duty. After the initial thirty (30) day period, the employee shall receive partial pay in the amount equal to the amount necessary to bring the employee's military pay up to the level of his/her civilian pay minus supplements. The period of full pay and partial pay, collectively, shall continue for one calendar year and, thereafter, only at the discretion of the President or Management Company Representative or his/her designee and upon the approval of the Board, based on the requirement of the efficient operation of the Academy and consideration what is fair to the employee.
- i. While on active duty, the employee shall retain all seniority rights, efficiency ratings, promotional status, salary classification, pension benefits, and retirement privileges, as if continuously employed. Upon returning to the school system following completion of duty in the armed forces, the employee shall be treated as not having had a break in service. During the period in which the employee receives partial compensation, however, the employee shall not accrue additional sick, annual vacation, or personal days. During the partial-pay period, such employees will be treated as personnel on approved leave of absence; they shall be given the option of converting to military benefits or retaining their medical, dental, and/or vision benefits by paying full premiums.
 - ii. Upon proper request for reemployment after returning from military service, an employee must be promptly reemployed.

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- iii. Under 38 U.S.C. Chapter 4301, an employee returning from military service must normally report to work and request reemployment within the following timeframes.
 - A. For service of 30 days or less, not later than the beginning of the first full regularly scheduled work day following completion of service, after allowing for an eight (8) hour rest period following safe return to the place of residence.
 - B. For service of 31 days or more but less than 181 days, within 14 days after completion of service.
 - C. For service of 181 days or more, not later than 90 days after completion of military service.
- iv. During a non-instructional employee's absence on military leave, the position may not be filled by an interim employee during the first 90 days.
- h. **Professional Leave**-- Professional leave, as defined in SBER 6A-1.081, is leave granted to an employee to engage in activities which will result in professional benefit, advancements or job effectiveness including earning of college credits and degrees, or that will contribute to the profession of teaching. Subject to budgetary constraints, an employee may be granted three (3) consecutive weeks of professional leave during any fiscal year with compensation; such leave shall be cumulative not to exceed thirty (30) work days or not to exceed six (6) weeks. A professional leave request is made on South Tech Charter Academy, Inc. Leave of Absence form available in the Personnel office.
- 3. **Unpaid Leaves**-- Initial requests and extension requests for leave of absence without pay for more than ten (10) days shall be made on TDE Leaves form (STCAI Form 032) available in the Personnel office.
 - a. **Voluntary Military Service Leave/Extended Service**-- When an employee enters into active duty in the armed forces for temporary duty, training duty, or extended periods of service, military leave must be granted under the requirements of 38 U.S.C. Chapter 43
 - b. **Leave for Political Campaigning**-- Any person who has filed to run for political office and is desirous of personal leave for political reasons shall make application for such leave and shall be entitled to personal leave. The person shall not be restricted to one leave during a political campaign; however, if possible, leave shall be requested for the duration of the campaign. Leave shall be taken for all absences for political campaigning.
 - c. **Personal Leave**-- An employee requesting short-term or long-term personal leave shall make written application to the President or Management Company Representative, stating reasons for such leave. The Board shall satisfy itself in terms of the need for a requested leave.
 - i. Personal leave may be used to extend a leave of absence due to sickness when that sickness has extended beyond all compensable leave for the duration of up to one (1) calendar year when supported by doctor's statements verifying the necessity of the extended leave.
 - ii. An employee requesting return to duty who has served efficiently and exhibited those qualities called for in the position held prior to such leave will be given every consideration for reemployment provided the conditions of employment have been met and the request is supported by a doctor's statement certifying that his physical condition is satisfactory to return to normal duties.
 - d. **Maternity/Recovery and Child Care**-- As set forth in greater detail in School Board Policy 3.76, an employee who is pregnant, adopting a child, or is receiving a foster child into the home, may request and be entitled to a leave of absence without pay for maternity or child care reasons to begin anytime during pregnancy (normally after recovery) or, in the case of adoption or foster child care, the receipt of custody. Requests are to be submitted on a Maternity Request for Leave without Pay form (STCAI form 1666) available in the Personnel office. Leave may be granted for the remainder of the employee's term of appointment and may be extended for one (1) additional year provided that the total time away from the job is not more than eighteen (18) months. It is the responsibility of the employee to keep the supervisor informed so that appropriate administrative arrangements can be made prior to return to duty.
 - e. **Domestic Violence**--
 - i. Pursuant to Fla. Stat. § 741.313, if the employee, or a family or household member of an employee, is the victim of domestic violence, said employee may request and take up to

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three (3) working days of unpaid leave from work in any 12-month period for the following reasons:

- A. to seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
 - B. to obtain medical care or mental health counseling, or both, for the employee, or a family or household member, to address physical or psychological injuries resulting from the act of domestic violence;
 - C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
 - D. to make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; and/or
 - E. to seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.
- ii. Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer notice, as appropriate, along with sufficient documentation of the act of domestic violence.
 - iii. An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave, if applicable, which is available to the employee.
 - iv. All information relating to the employee's leave under this section is confidential and exempt from disclosure to the extent authorized by Florida law.

Authority: Fla. Stat. §§ 1001.32920; 1001.41(1)(2); 1001.43(11); 1012.22(2); 1012.23(1); 1012.61(2)(e); 1012.66;

* South Tech High School Charter, Part V, Section 28.0 (H)

Implemented: §§ 115.07; 741.313; 1001.32(2); 1002.33(12)(e); 1012.61; 1012.62; 1012.63; 1012.64; 1012.65; 1012.66; 1002.33(12)(e), Fla. Stat.; Family and Medical Leave Act of 1993, 29 U.S.C. § 2602 et seq., 29 C.F.R. Part 825; Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301 et seq

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