

Staff Leave
(ANNUAL, ACCRUED and PAID LEAVE)

The Board of Education has determined that a staff leave policy, which allows for employee discretion in the use of annual leave and protects the district in case of a catastrophic employee emergency, is in the best interest of Dolores RE-4A School District.

A. Accrual and Use

1. All employees, regardless of position, will be awarded annual leave by length of contract criteria. Employees are awarded Annual Leave as follows:
 - 156-170 day employees = 9 days of Annual Leave
 - 195 day employees = 11 days of Annual Leave
 - 245 day employees = 12 days of Annual Leave
 - Late hires will receive a prorated amount of leave days. For example, if an employee works a sixty percent (60%) contract, the employee will receive sixty percent (60%) of the appropriate number of leave days.

2. Annual leave includes personal leave and sick leave, including leave protected by the Healthy Families and Workplaces Act ("HFWA"). The HFWA permits sick leave to be taken for the following reasons:
 - Personal mental health or physical illness, injury, or health condition or the need to obtain medical care;
 - The necessary care and attendance for the employee's family member who has a mental or physical illness, injury, or health condition or the need to obtain medical care;
 - 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; or
 - 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.

3. Employees shall submit the leave request via the "AptaFund" program to their immediate supervisor requesting approval of leave with as much notice as possible, but no less than 48 hours in advance, except in emergency situations. For HFWA qualifying leave, employees must provide notice as soon as practicable when the leave is foreseeable. In the event of an emergency, the employee will notify the supervisor as soon as possible.

4. Leave used by the employee shall be reflected on the pay stub.

5. **Annual Leave** is allocated yearly. Any unused **Annual Leave** will carry over to the next school year and become **Accrued Leave**. Employees are permitted to accrue up to a maximum of

sixty (60) leave days during the course of employment with the district.

6. **Annual Leave** will be allocated at the beginning of each contract year. Upon termination of a contract, the District will review the amount of leave used by the employee. Should an employee over-extend their leave, the District will deduct the overuse of leave from the payout of their contract and/or their final check.
7. A maximum of six (6) work days of HFWA qualifying sick leave, as identified in Section A.2, may be taken without supervisor approval. All other leave requests are subject to supervisor approval. Denial of leave shall not be arbitrary or capricious.
8. All leave requests, with the exception of HFWA qualifying sick leave requests, that directly precede or extend Thanksgiving, Winter, or Spring Break, and during the last week of school will be discouraged. In most instances, employees will be required to take a “dock day” when extending a school calendar holiday due to personal leave, non-HFWA qualifying sick leave, or HFWA qualifying sick leave when an employee exceeds six (6) work days of HFWA qualifying leave in a school year. In limited unusual circumstances, supervisors may consider requests during this time; however, a written statement of need and approval from the supervisor must be submitted to the superintendent.
9. **Dock days** shall also result when all leave days are taken without a sufficient leave balance.
10. All **Annual Leave** must be exhausted before **Accrued Leave** is used. **Accrued Leave** must be used for the illness of an employee, an employee’s immediate family or individual for whom the employee is responsible for care, or for a qualifying reason during a public health emergency identified in Section C.
11. A maximum of four (4) leave days may be used at any given time for personal leave and other leave that does not qualify under the HFWA.
12. The district may require reasonable documentation that paid sick leave is for a qualifying reason if the leave requested or taken is for four (4) or more consecutive work days. Any health or safety information relating to an employee or employee’s family 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.
13. The district will retain records for each employee for a two-year period that documents the hours worked, leave accrued, and leave used.
12. Once all annual and accrued leave days are used, employees may request to use the sick bank or request to take an unpaid leave of absence. **Note:** See Policy GBGG-R for details of the sick bank policy.
13. Payment for leave may occur at the conclusion of an employee's annual contract when the accumulated leave balance is in excess of sixty (60) total days. Employees will receive **Paid**

Leave at 50% value of the current year's substitute pay in a June check.

14. District employees will be compensated for continuous service to the district. A maximum of sixty-days of **Accrued Leave** may be converted to **Paid Leave** upon separation from the district. The compensation rate for employees shall be as follows:
- **4 - 10 years of employment with the district - 50% of the certified substitute teacher pay**
 - **11+ years of employment with the district - 75% of the certified substitute teacher pay**

B. Reinstatement Upon Rehiring:

If an employee separates from employment with the district and is rehired by the district within six (6) months after separation, the district must reinstate any paid sick leave that the employee had accrued but not used or was not paid out at the time of the employee's separation from the district.

C. Additional Leave During a Public Health Emergency:

In addition to the paid annual leave set forth above, on the date a public health emergency is declared the district will supplement each employee's accrued paid annual leave as necessary to ensure that employees who work 40 hours or more in a week may take at least 80 hours of paid leave. For employees who normally work fewer than 40 hours in a week, the district will provide access to total paid leave hours that are at least the greater of the number of hours the employee (a) is scheduled for work or paid leave in the upcoming fourteen-day period, or (b) actually worked on average in the fourteen-day period prior to the declaration of the public health emergency. The district may count an employee's unused accrued annual leave toward the supplemental paid sick leave.

During the entire duration of a public health emergency (the time between the date on which the emergency is declared and four weeks after the date of the official termination or suspension or the emergency declaration), an employee may use both (a) the paid leave they have accrued prior to the declaration of the public health emergency and (b) the amount of supplemental paid leave provided to the employee, for any of the qualifying 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 leave for one of the above reasons during a public health emergency.

D. Sick Leave Bank

A sick leave bank shall be available for all employees who voluntarily choose to participate. Employee participants shall fund the sick leave bank through donation of one (1) day of Annual Leave every contract year. **Note:** See Policy GBGG-R for details of the sick bank policy.

E. Definitions:

- **Day:** Is understood to be the normal work hours each classification of employees would work during their contract day.
- **Annual Leave:** Leave days included annually into employee contracts, used for any combination of illness, doctor appointments, family business, childcare, or any other personal needs.
- **Accrued Leave:** Unused Annual Leave will convert to Accrued Leave at the end of each fiscal year.
- **Paid Leave:** Unused Accrued Leave that exceeds the allowable 60-day accumulated limit.
- **Dock Day:** A day of absence where no leave was available or the supervisor did not approve leave request
- **Family Member:** 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.

F. Notice:

To reduce unlawful discrimination and to ensure a healthy workplace environment, the district 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.

G. 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.

Adopted: prior to 1987

Revised: February 1987, July 1989, December 2002, June 2004, July 2005, February 2008, August 2010, July 2012, March 2013, November 2014, August 2019, October 2022

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*)

C.R.S. § 14-15-101 *et seq.* (*Colorado Civil Union Act*)

CROSS REFS.: GBGF, *Federally-Mandated Family and Medical Leave*
GBGH, *Sick Leave Bank*

Dolores School District RE-4A, Dolores, Colorado

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