

5.9 Employee Leave

5.9.1 Work Attendance an Essential Job Function – Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

5.9.2 Absences – Employees who know in advance that they will be absent from work must notify his or her supervisor of the expected absence in accordance with Madison City Schools procedures. In the event advance notice is impractical, employees must notify his or her supervisor of their absence as early as possible. Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered in violation of Board policy and subject to appropriate disciplinary measures which may include termination.

Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of paid leave. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

All extended leave must be approved by the board.

5.9.3 Authorized Leave – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:

- a. Sick leave (5.9.4);
- b. Job related injury leave (5.9.6);
- c. Personal leave (5.9.7);
- d. Vacation leave (5.9.8);
- e. Professional leave (5.9.9);
- f. Military leave (5.9.10);
- g. Court leave (5.9.11);

- h. Catastrophic leave (5.9.12);
- i. Unpaid study leave (5.9.13);
- j. Family and Medical Leave Act (5.10).

5.9.4 Sick Leave

a. *Persons Eligible for Paid Sick Leave* – All regular full time employees and part-time employees as specified in the employee manual are eligible for paid sick leave.

b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law.

c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:

1. Personal illness;
2. Incapacitating personal injury;
3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.

d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action.

[Reference: Ala. Code §16-1-18.1 (1975)]

5.9.5 On-The-Job Injury Leave – On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job. Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

1. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.
2. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee’s salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

[Reference: Ala. Code §16-1-18.1 (1975)]

5.9.6 Personal Leave – All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Personal leave must be requested in writing in accordance with such

procedures as may be established by the Superintendent or the Board. Absent Superintendent approval, personal leave generally, may not be taken immediately before or after a school holiday or in the first or last ten days of a school term or during standardized testing. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the school year.

a. All employees are entitled to five days of personal leave per year. Personal leave days are non-cumulative; however, unused personal leave days convert to sick leave days at the end of each school year. According to years of service, employees will pay for a substitute for personal days as follows:

1. First two days—State allocated days for all employees (no deduction from pay).
2. Third day—Board allocated day for employees who have completed five (5) or more years of service in the system with no deduction from pay; employees with less than five years must pay the current cost of a substitute as posted on the Madison City School's current salary schedule.
3. Fourth day—Board allocated day for employees who have completed ten (10) or more years of service in the system with no deduction from pay; employees with less than ten years must pay the current costs of a substitute as posted on the Madison City School's current salary schedule.
4. Fifth day—Board allocated day for employees who have completed fifteen (15) or more years of service in the school system with no deduction from pay; employees with less than fifteen years must pay the current costs of a substitute as posted on the Madison City School's current salary schedule.

b. Employees are encouraged to notify their supervisor at least five working days prior to taking personal leave when at all possible. In granting personal leave to employees, each work site may have a daily limit (i.e. one person taking personal leave per ten employees on staff).

c. Personal leave shall be reported as personal with no other explanation required

[Reference: Ala. Code §16-8-26 (1975)]

5.9.7 Vacation

- a. *Vacation Benefits* – Twelve-month employees will earn vacation leave:
1. Employees with less than ten (10) years of service with Madison City Schools earn .833 days of vacation each month up to ten (10) days each scholastic year.
 2. Employees with ten (10) years or more of service with Madison City Schools earn 1.25 days of vacation leave each month up to fifteen (15) days each scholastic year.

Only consecutive service as a twelve-month employee with the Madison City Schools will be considered in establishing length of service for purposes of determining vacation benefits provided by this policy.

- b. *Advancement of Vacation Days* – To provide employees with the flexibility to utilize their vacation days throughout the year, eligible employees will be advanced a year's worth of vacation days at the beginning of the Board's scholastic year on July 1st.
- c. *Unused Vacation Days* – Subject to the following restrictions, earned, unused vacation days as of June 30th will either carry over for use during the next scholastic year or the employee will be paid for the days:
1. *Eligible employees with less than ten (10) years of service* – Earned, unused vacation days up to a maximum of ten (10) days will be carried over to the next scholastic year. Employees will be paid annually for any earned, unused vacation days over that amount at the employee's current daily rate of pay as of June 30th.
 2. *Eligible employees with ten (10) or more years of service* – Earned, unused vacation time up to a maximum of fifteen (15) days will be carried over to the next scholastic year. Employees will be paid annually for any earned, unused vacation days over that amount at the employee's current daily rate of pay as of June 30th.

- d. *Separation of Employment* – Upon separation of employment (e.g., death, retirement, resignation), an employee will be entitled to payment for all unused, earned vacation at the employee’s current daily rate of pay. Due to the advancement of vacation days, if an employee is separated from employment (e.g., death, retirement, resignation, termination) before earning the number of vacation days the employee has taken, the employee will reimburse the Board for used, but unearned vacation days at the employee’s current daily rate of pay. By taking advanced vacation days, an employee agrees that the Board may deduct used, but unearned vacation days from the employee’s final paycheck at the employee’s current daily rate of pay if necessary. Upon separation from the district, the employee will not be entitled to be paid for advanced, but unearned vacation days.

Scheduling – Vacation must be scheduled with the knowledge and approval of the employee’s immediate supervisor.

5.9.8 Professional Leave – The Superintendent or his designee is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent.

5.9.9 Military Leave – Military leave is available to all eligible employees in accordance with state and federal law.

5.9.10 Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (Ala. Code §12-8-25) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

5.9.11 Catastrophic Sick Leave. Employees, at their discretion, may donate a specific number of days to the sick leave bank and designate the days for a specific employee for use against a catastrophic illness only according to the following guidelines:

- a. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
- b. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave.
- c. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee.
- d. No employee may donate more than 30 sick leave days per calendar year to the sick leave bank for the catastrophic sick leave of any one employee.
- e. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days

[Reference Ala. Code §16-22-9]

5.9.12 Unpaid Study Leave. Upon written application by the employee, the Board may provide an unpaid leave of absence for up to one year to pursue study or professional growth opportunities. Such leave is available to non-probationary certified personnel only. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from leave at the discretion of the Board.