

### 3.7—LICENSED PERSONNEL SICK LEAVE

An employee shall be entitled to sick leave only for reasons of personal illness, bereavement, scheduled medical appointments, or illness in his or her immediate family.

Predictable Absence:

In the case of any use of regular sick leave or extended sick leave which may be predictable (e.g., elective surgery and pregnancy) and which will probably last five (5) consecutive days or longer, the certified employee shall notify the building administrator and the Director of Human Resources in writing at least thirty (30) days prior to the expected commencement of such leave and an anticipated date of return. In the case of sick leave use for appointments, employee shall notify the building administrator and the LRSD Sub System as soon as the appointment is made.

Except in cases of emergency when employees are physically or mentally incapable of meeting these criteria, the following conditions must be met in order to use sick leave:

- a. The LRSD Designated Sub System must be notified of the use of sick leave at least two (2) hours before the start of the employee’s workday.
- b. The Building Administrator must be notified of the use of sick leave at least two (2) hours before the start of the employee’s work day. Exceptions may be warranted in extraordinary circumstances and will be handled by the Building Administrator on a case by case basis.

On the first day of their contract period, all employees who are employed by LRSD on or before October 31, 2015 will be credited with the number of sick leave days without loss in pay as indicated by the table below, with an accumulation from year to year to a maximum of one hundred seventy-eight (178) days:

Length of Contract	Number of Sick Leave Days
190-200	10
201-220	11
221 or over	12

Teachers hired by LRSD beginning November 1, 2015 will receive leave in accordance with “The Teachers’ Minimum Sick Leave Law,” A.C.A. § 6-17-1201 et. seq. Other employees hired by LRSD beginning November 1, 2015 will receive leave in accordance with “The School Employees Minimum Sick Leave Law,” A.C.A. § 6-17-130 et. seq. All employees hired beginning November 1, 2015 will accumulate sick leave from year to year to a maximum of ninety (90) days.

The United States Department of Education Office of Civil Rights defines chronic absenteeism as educators using more than 10 days of annual sick leave. Regular and reliable teacher attendance is important for student success. Therefore, excessive absenteeism will be addressed with employees who exceed the number for the current contract year, subject to the limitations governed by federal law (FMLA and ADA). Abuse or misuse of sick leave, as defined in this policy, will result in disciplinary action, up to and including termination.

Cross References: 3.18—LICENSED PERSONNEL OUTSIDE EMPLOYMENT  
3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE  
3.44—LICENSED PERSONNEL WORKPLACE INJURIES AND  
WORKERS' COMPENSATION

Legal References: A.C.A. § 6-17-1201 et seq.  
29 USC §§ 2601 et seq.  
29 CFR part 825

Additional References: <https://www2.ed.gov/rschstat/eval/title-iii/crdc-instructional-staff.pdf>  
<https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

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## **8.5—CLASSIFIED EMPLOYEES SICK LEAVE**

### **Definitions**

1. "Employee" is an employee of the District working 20 or more hours per week who is not required to have a teaching license as a condition of his employment.
2. "Sick Leave" is absence from work due to illness, whether by the employee or a member of the employee's immediate family, or due to a death in the family. The principal shall determine whether sick leave will be approved on the basis of a death outside the immediate family of the employee.
3. "Current Sick Leave" means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per month worked, or major part thereof.
4. "Accumulated Sick Leave" is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contracts, but not used. Accumulated sick leave also includes the sick leave transferred from an employee's previous public school employment.
5. "Immediate family" means an employee's spouse, child, parent, or any other relative provided the other relative lives in the same household as the employee.

### **Sick Leave**

The principal has the discretion to approve sick leave for an employee to attend the funeral of a person who is not related to the employee, under circumstances deemed appropriate by the principal.

Employees who are adopting or seeking to adopt a minor child or minor children may use up to fifteen (15) sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation, submission or preparation, time spent with legal or adoption agency representatives, time spent in court, and bonding time. See also,

8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE, which also applies. Except for bonding time, documentation shall be provided by the employee upon request.

Pay for sick leave shall be at the employee's daily rate of pay, which is that employee's hourly rate of pay times the number of hours normally worked per day. Absences for illness in excess of the employee's accumulated and current sick leave shall result in a deduction from the employee's pay at the daily rate as defined above.

At the discretion of the principal (or Superintendent), and, if FMLA is applicable, subject to the certification or recertification provisions contained in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE the District may require a written statement from the employee's physician documenting the employee's illness. Failure to provide such documentation of illness may result in sick leave not being paid, or in discipline up to and including termination.

The United States Department of Education Office of Civil Rights defines chronic absenteeism as educators using more than 10 days of annual sick leave. Regular and reliable employee attendance is important for student success. Therefore, excessive absenteeism will be addressed with employees who exceed the number for the current contract year, subject to the limitations governed by federal law (FMLA and ADA). Abuse or misuse of sick leave, as defined in this policy, will result in disciplinary action, up to and including termination.

If the employee's absences are not subject to the FMLA or are in excess of what is protected under the FMLA, excessive absenteeism, to the extent that the employee is not carrying out his/her assigned duties to the degree that the education of students or the efficient operation of a school or the district is substantially adversely affected (at the determination of the principal or Superintendent) may result in termination.

#### **Sick Leave and Family Medical Leave Act (FMLA) Leave**

When an employee takes sick leave, the District shall determine if the employee is eligible for FMLA leave and if the leave qualifies for FMLA leave. The District may request additional information from the employee to help make the applicability<sup>4</sup> determination. If the employee is eligible for FMLA leave and if the leave qualifies under the FMLA, the District will notify the employee in writing, of the decision within five (5) workdays. If the circumstances for the leave as defined in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE don't change, the District is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave within any applicable twelve (12) month period. To the extent the employee has accumulated sick leave, any sick leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee's accrued leave including, once an employee exhausts his/her accumulated sick leave, vacation or personal leave. See 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE.

#### **Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.36, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross References: 8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT  
8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE  
8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND  
WORKERS' COMPENSATION

Legal References: A.C.A. § 6-17-1301 et seq.  
29 USC §§ 2601 et seq.  
29 CFR 825.100 et seq.

Additional References: <https://www2.ed.gov/rschstat/eval/title-iii/crdc-instructional-staff.pdf>  
<https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

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