Title: **Staff Member Time Off and Leave**
Code: GBC
Section: Section G: Personnel Policies

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The following types of time off and leave plans are applicable to staff members under the conditions and terms described below and, in the procedure, accompanying this policy. Administrators and supervisors are authorized to query staff members about their uses of time off and leave plans when circumstances so warrant and to confirm staff member use follows policy guidelines.

**Time Off Types**

**Staff Leave**
Staff leave is considered salary protection when a staff member is absent because of:

- personal mental or physical illness, injury or health condition, or the need to obtain health care;
- the necessary care and attendance for a staff member's immediate family who has mental or physical illness, injury or health condition, or the need to obtain health care;
- seeking medical attention or related services if the staff member or a member of the staff member's family has been the victim of domestic abuse, sexual assault, or stalking (see Administrative Policy GBGL – Staff Victim Leave);
- the school or childcare provider for the staff member's child has been ordered to close by a public official due to a public health emergency and the staff member needs to be absent from work to care for their child;
- due to inclement weather, power/heat/water loss, or other unexpected event, the staff member must (a) evacuate their residence, or (b) care for a family member whose school or place of care was closed;
- grieving, funeral/memorial attendance, or financial/legal needs after a death of a family member beyond staff bereavement leave as stated in Administrative Policy GBGJ; or
- personal business that cannot be completed outside of the workday, personal emergencies, observance of religious holidays, or attendance at major family events (i.e.: weddings, graduations, receipt of special award, etc.).

For staff leave purposes, the term "family member" means a member of the staff member's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the staff member stands in loco parentis or a person who stood in loco parentis to the staff member when the staff member was a minor, or a person for whom the staff member is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the superintendent or designee.

If a staff member is unsure about the permitted uses of staff leave, they should seek clarification of the appropriate use of staff leave with their site supervisor, prior to taking such leave. In no

event will a staff member be allowed to use staff leave for vacation or recreation-related activities, or while working at another job. The District strongly discourages and reserves the right to deny the use of staff leave just prior to or following a vacation or holiday or during the first or last week of the employment work year. Inappropriate use of leave may result in the loss of all accumulated staff leave and further appropriate disciplinary action, up to and including a recommendation for termination of employment as determined by the Board of Education (Board). If further clarification is needed regarding the appropriate use of staff leave, the principal or supervisor should contact a Human Resources Administrator in advance of approving such leave.

If a staff member leaves District employment, they shall not be paid for unused staff leave, unless they were hired on or before June 30, 1999 (see Protected Leave in GBC R). A staff member will not be permitted to use unused staff leave within the last two weeks of employment, unless prior approved by a Human Resources Administrator. If a staff member separates from employment with the District and is rehired by the District as a regular non-retiree staff member within six months after the separation, the District must reinstate any staff leave that the staff member had accrued but not used during the staff member's previous employment if that accrued paid sick leave had not been paid out at the time of separation.

All staff members will be granted leave based upon the length of their annual work hours and days. Staff members working less than full-time will be credited with a prorated amount of leave. If a staff member retires from the District, and returns, they will be granted staff leave based on their annual work hours and days, prorated as necessary. If a staff member separates and returns as a temporary staff member or retiree, they will carryover up to 48 hours allowed under the HFWA for any time not previously paid out.

It is a staff member's responsibility to ensure that leave days are used appropriately. If no remaining leave days exist and a staff member is absent, deduction at full rate of pay will be made.

**No Questions Asked Leave (NQA)**
NQA leave can be used for time off that is not permitted with staff leave such as recreational activities, personal trips, etc. Please see the Staff Member Leave procedure GBC R for details on the approval process for NQA Leave.

**School/District Business**
The principal, supervisor, or superintendent or designee may authorize absences for school/District business. Staff working on school/District business will receive full pay, provided a District 20 Travel Request Form is completed prior to the business when appropriate, and such authorized absences shall not affect the number of staff leave days to which staff member is entitled.

**Civic Duty Leave**
Staff who are summoned for jury duty or are subpoenaed to appear as witnesses in court or at an administrative hearing in connection with their duties as staff members of the District, shall be granted civic duty leave with pay for such time as their presence is ordered. If released from civic duty early, you shall notify your supervisor for direction on returning to work.

**Vacation Leave**
Only classified staff in 260-day positions will be eligible for and accrue annual vacation leave as described in Procedure GBC R.

**Public Health Emergency Leave**
In addition to the staff leave generally allotted, on the date a public health emergency is declared the District will provide a one-time supplement to each staff member's allotted staff leave as necessary to ensure that full-time staff members who work 40 hours or more in a week may take at least 80 hours of staff leave and that staff members who work fewer than 40 hours in a week may take at least the greater of the number of hours the staff member is scheduled to work in a 14-day period or the average time the staff member works in a 14-day period. A staff member's unused allotted staff leave will count toward the supplemental leave.

A staff member may use the supplemental leave until 4 weeks after the official termination or suspension of the public health emergency. Leave under this provision may be taken for the following 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 a staff member or a member of the staff member's family that the staff member cares for poses a risk to the health of others.

**Leave Types**

**Family and Medical Leave Act (FMLA) Provisions**
In accordance with the provisions of the FMLA, an eligible staff member who has been employed by the District for at least one year and has worked more than 1,250 hours may request up to twelve weeks of unpaid family or medical leave, as ordered by the health care provider, during a twelve-month period for one or more of the following reasons:

- The staff member’s own serious health condition, which makes the staff member unable to perform their job functions.
- The birth or adoption of a child or the placement of a foster child. This entitlement shall end after the child reaches age one or twelve months after adoption or placement.
    - Spouses, partners in a civil union, and/or domestic partners who are both employed by the District shall be entitled to a total of twelve weeks of leave (rather than twelve weeks each) for this reason.
- The care of a child, spouse, partner in a civil union, domestic partner, or parent who has a serious health condition.

During the first twelve weeks of an approved family or medical leave based upon the above reasons, the District will continue to pay its portion of the staff member’s health insurance premium. If the unpaid leave continues beyond the twelve weeks, the staff member will assume the payment of the entire premium at that time.

If an event qualifies for FMLA leave, any paid leave to which the staff member is entitled will run concurrently and will be counted as part of the total twelve weeks of allowed FMLA leave. The effective date for FMLA leave is the first date of absence. An eligible staff member who takes

FMLA leave is entitled to be restored to the same position that the staff member held when the leave began or to an equivalent position for which the staff member is qualified.

**General Provisions**
An absence of more than five days requires a leave of absence. All leaves of absence shall be unpaid and only granted for up to a maximum of one year should the staff member meet the eligibility for FMLA, the length of leave is certified by a Health Care Provider, or the leave type requires a full year (continuing education, teacher exchange, parental leave, etc.). Temporary staff members and retirees are not eligible for an unpaid leave of absence unless they meet the FMLA eligibility, have accommodations under the Americans with Disabilities Act, or have protection under the Healthy Families and Workplaces Act. A staff member on an approved continuous leave of absence is not eligible for extra duty work or professional learning during their leave of absence.

Staff leave, vacation, protected staff leave, and sick leave bank disbursements may be used to offset unpaid leave time. Not all leave types qualify for this provision. Staff benefiting from an approved leave of absence without pay shall, upon returning, be assigned to the same position that the staff member held when the leave began or to an equivalent position for which the staff member is qualified. Staff on unpaid leave and who are outside of a Family and Medical Leave Act (FMLA) period have the option to continue District benefits through the Consolidated Omnibus Budget Reconciliation Act (COBRA). The District will continue the contribution to medical and dental premiums during leaves covered by the Federal Family and Medical Leave Act (FMLA).

All requests for leave of absence shall be accompanied by the required documentation. Any health or safety information relating to a staff member or staff member's family member 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 staff member or with the express permission of the affected staff member.

Staff members shall submit the initial leave request to their principal or supervisor. Approvals of requested leave shall be based on consideration of the impact on the school/location. In consideration of the needs of students, the principal or supervisor, in consultation with Human Resources will determine the date of the staff member's return from an approved leave of absence. Issues to be considered may include semester breaks, testing dates, holidays, and staffing needs. Staff considering a leave are advised to consult with the Public Employees Retirement Association (PERA).

The District recognizes the increased disruption that may be presented by taking leave**.** The Assistant Superintendent for Human Resources or designee may provide limitations on such leaves.

If the staff member does not return to work after the leave, the District shall seek reimbursement of the District's contribution to the health insurance premium paid on behalf of the staff member during the leave. The exception to this is if the failure to return to work was due to a continuation, recurrence, or onset of a serious health condition as certified by a physician that entitles the staff member to leave, or for other reasons beyond the staff member's control.

**Nondiscrimination**
The Board, the Superintendent, other administrators, and District staff members will not unlawfully discriminate, take adverse action, or retaliate against any staff member 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.

**Complaints**
Any violations of this policy or the Healthy Families and Workplaces Act should be reported to your site supervisor. If the site supervisor is not able to remedy the situation, the violation should then be reported to a Human Resources Administrator.

**Notice**
To reduce unlawful discrimination and to ensure a healthy workplace environment, the administration 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 staff member handbooks and otherwise be made available to all staff through electronic or hard-copy distribution.

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June 17, 1999
March 21, 2002
October 2, 2006
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June 30, 2008
June 30, 2009
August 23, 2009
May 13, 2010
November 1, 2010
July 1, 2011
July 1, 2013
July 1, 2014
July 1, 2015
July 1, 2016

July 1, 2017
July 1, 2019
July 17, 2020
January 1, 2021
January 11, 2021
July 1, 2022
August 1, 2022
January 23, 2023
November 1, 2023
July 1, 2024
July 1, 2025
July 1, 2026

**Legal Refs:**
29 U.S.C. 2601 et seq., Family and Medical Leave Act
29 C.F.R. Part 825 regulations, the Family and Medical Leave Act of 1993
42 U.S.C. §2000e-2 Title VII of the Civil Rights Act – unlawful employment practices
C.R.S. 2-4-401 (definitions)
C.R.S. 8-13.3-401 et seq. (Healthy Families and Workplaces) C.R.S. 19-5-211 (adoption)
C.R.S. 24-34-402.3 (prohibition of discrimination on pregnancy, childbirth, and related conditions)

**Cross Refs:**
AC – Nondiscrimination/Equal Opportunity
GBA – Equal Employment Opportunity
GBCA – Limited Sick Leave Bank
GBGA – Workers' Compensation Leave
GBGL – Staff Victim Leave
EL 2.0 Global Executive Constraint
EL 2.3 Treatment of Staff
EL 2.7 Employment, Compensation and Benefits

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