

**SPECIAL ADMINISTRATIVE BOARD OF THE  
TRANSITIONAL SCHOOL DISTRICT OF THE CITY OF ST. LOUIS  
PERSONNEL POLICY**

**Leave of Absence**

**Sick Leave/Personal Time**

**Regulation #4622**

**ACCRUAL OF SICK LEAVE**

Consistent, ongoing, meaningful contact with students and staff is important to the learning environment and the overall district operation. Therefore, it is an essential duty and function of a professional staff person's position. When a staff member is frequently absent or is absent for an extended period of time, the instructional environment and district operations are compromised, and the students suffer.

However, staff members who are ill are encouraged to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. The district may require an employee to provide the district a doctor's statement or other verification of eligibility for sick leave before the district applies sick leave or other applicable paid leave to the employee. The district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health.

To that end, all full-time employees are eligible to earn sick leave days during each fiscal year (i.e. July 1<sup>st</sup> to June 30<sup>th</sup>). Certificated teachers, administrators and non-certificated 10, 10.5 month staff members will be granted 10 days of sick leave per year. All 11 month employees will be granted 11 days of sick leave per year and all 12 month employees will be granted 12 days of sick leave.

- a) Sick leave is prorated for employees hired after the beginning of the fiscal year as follows:

<u>Hire Date</u>	<u>10/10.5 month</u>	<u>11 month</u>	<u>12 month</u>
On or after July 1 and by September 30	10	11	12
On or after October 1 and by December 31	7	8	9
On or after January 1 and by March 31	5	6	6
On or after April 1 and by June 30	2	2	3

- b) Sick leave is also prorated for extended leaves of absence.

Each year unused sick leave days will be accumulated in the employees' sick leave bank. The maximum number of sick leave days an employee may accumulate in their bank is 130 work days. (Employees who have banked sick leave days as of January, 2004 should refer to Board regulation 4621)

The Superintendent, or his/her designee, reserves the right to take disciplinary action up to and including separation of employment in the event of abuse of sick leave privilege. No employee will be disciplined or terminated for absences qualifying for protection under the Family Medical Leave Act (FMLA) or other applicable law.

Sick leave granted during each fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>) may be used for absences necessitated because of personal illness, injury or accident, illness, or a medical disability which prevents the employee from performing his or her duties in accordance with state and federal law.

Leave is available pursuant to the Family Medical Leave Act and as set forth in the District's FMLA Leave Policy (#4620.2) for employees seeking leave to care for a child, spouse or parent or his/her own "serious health condition" as defined in the Family Medical Leave Act.

#### **PERSONAL DAYS:**

Each fiscal year, in addition to sick leave days, all 10, 10.5 and 11 month employees will be granted two (2) personal days. Personal time off requires 48 hours notice before the date of the leave and cannot be scheduled during the following blackout periods:

- The first two weeks of classes during each school year
- The last two weeks of classes during each school year
- Following written notice of suspension or discharge
- District-wide professional development days
- MAP and EOC testing

Twelve (12) month employees are not granted additional personal days due to having vacation days but may use 2 of his/her sick days as personal days. Personal time off requires 48 hours notice before the date of the leave.

Any unused personal days will be rolled over into the accumulated sick leave bank and can be used as sick leave in future years.

Regular employees receiving personal days for absences on both the work day preceding and the work day following a holiday or holidays shall receive holiday pay. The absence for the holiday shall not be deducted from the employee's accrual sick leave bank.

#### **ABUSE OF SICK LEAVE**

It shall be an abuse of sick leave for an employee to use sick leave for absences when the employee is not actually sick. The Superintendent, or his/her designee, is authorized to investigate when the circumstances in his/her discretion indicate suspected abuse of sick leave. As part of this authority, the Superintendent may require employees to provide written substantiation of a claim of illness, including a physician's verification. Abuse of sick leave may include but is not limited to: falsification of medical documentation, failure to provide appropriate documentation for absences when required, absences from work on an inordinate number of Mondays and/or Fridays during the year without sufficient

documentation to substantiate an employee is unable to work. If incidents of abuse are determined, it shall result in discipline up to and including separation of employment. Absences not covered under this sick leave policy or the FMLA policy (4620.2) will be subjected to the Attendance Policies (4610.1 and 4620.2)

**COMPLIANCE WITH FAMILY AND MEDICAL LEAVE ACT OF 1993:**

The district's sick leave policy and this regulation shall be applied in accordance with the Family Medical Leave Act 1993 as amended. (See FMLA Policy 4620.2) When applicable, leave under this sick leave policy, the Family Medical Leave Act, worker's compensation, and any other leaves previously earned will run concurrently.

**NOTIFICATION:**

Whenever it becomes apparent to an employee that the/she will be unable to report to work for any reason whatsoever, the employee is responsible for notifying his/her supervisor, or another person who has been designated to be notified, before the start of work. Persons designated as needing substitutes are also responsible for contacting the centralized substitute office as soon as the pending absence becomes known. Failure to make all contacts shall result in an unexcused absence.

If the employee is absent more than one (1) day in succession, he/she must give the required notification daily, unless the employee knows in advance that he/she would be out more than one (1) day and stated the fact at the time of prior notification. Persons designated as needing substitutes are also responsible for notifying his/her supervisor before the start of work. Failure to make contact shall result in an unexcused absence.

**RETURN TO WORK:**

Notification of intention of an employee to return to work before the original completion date of requested absence shall be given to the Human Resources Department and to the Principal of the School or immediate supervisor. Notification must be given to the Human Resources Department and the immediate supervisor before 4:30 p.m. of the day preceding the date of the return.

An employee absent for a period of four (4) or more consecutive full calendar days in succession due to illness, injury or accident will be required to submit to the Human Resources Department a written statement from his/her physician stating the nature of the illness and the date(s) of treatment.

This statement is to be presented prior to the employee being returned to active duty. If there is a question as to whether the employee is able to perform his/her duties, the Chief Human Resource Officer may postpone the employee's return to work upon the recommendation of the medical doctor, who may be appointed by the Board and at the Board expense to examine the employee.

**PAYMENT OF ACCRUED SICK LEAVE UPON RESIGNATION, TERMINATION AND RETIREMENT:**

Employees who leave the school system through termination or resignation shall not be entitled to compensation for unused sick leave days/personal days, nor shall their estate have a claim for payment of unused sick leave/personal days in the case of death.

Certificated and/or exempt employees who have unused sick leave days at the time of their retirement, shall receive a payout of \$100 per day, non-certificated/non-exempt employees shall receive a payout of \$50 per day. All employees shall be paid at the time of retirement or over up to a three (3) year period, as determined by the employee. Employees who participate in the St. Louis Public School Retirement Program may request to have their accumulated and unpaid sick leave days under this policy credited to the total time worked in the St. Louis Public School System for purpose of calculating retirement eligibility. From time to time the District may designate other uses of accumulated sick leave days.

#### **ADMINISTRATION AND PAYMENT OF APPROVED SICK LEAVE**

The District reserves the right to utilize a third party vendor to administer sick leave requests in accordance with its policies and procedures. The third party vendor shall have the right to approve or deny sick leave based on documentation received and in compliance with this policy. Absences of four (4) consecutive full calendar days or more will require documentation prior to payment being made and to avoid penalty under the attendance control policy.

#### **RULES FOR EMPLOYEES WITH ACCRUED SICK LEAVE UNDER PRIOR POLICIES:**

Employees with accrued sick leave days accumulated under prior District policies shall be permitted to maintain or use them, only as previously permitted (See Policy 4621). No further Sick leave days may be accumulated as set forth herein.

#### **RULES FOR EMPLOYEES WITH ACCRUED PTO DAYS UNDER PRIOR POLICIES:**

Employees with accrued PTO days accumulated under prior District policies shall be permitted to maintain or use them, only as previously permitted (See Policy 4620.1). No further PTO days may be accumulated as set forth herein.

#### **SHORT TERM DISABILITY:**

Short term disability will continue to be a district paid benefit for the 2012-13 school year. Thereafter, short term disability may be available as an employee paid option. This will be further determined prior to the 2013-14 school year.