Leaves of Absence: Paid and Non-Paid

1. Temporary Paid Leaves of Absence

   A. Sick Leave


         a. At the beginning of each school year, each mental health employee will be allocated one day of sick leave per 18 days of employment. Unused days will be accumulative. Sick leave may be used for injury or sickness of the mental health employee, the immediate family or household as defined as spouse, son, daughter, mother, father, brother, sister, step-parent, step-child, mother-in-law, father-in-law, grandparents, grandchild, legal guardian or someone whose relationship with the employee is similar.

         b. Sick leave may be used to extend bereavement leave.

         c. Sick leave may be used for other general leave purposes up to the limits in (B)(8) below.

         d. When on leave of absence, sick leave accrued will neither be lost nor accumulated. Upon return to duty, an employee will begin with that total accumulated at the time the leave commenced.

         e. An employee shall be credited with the full sick leave allowance at the beginning of the contract period. In the event that a contract is terminated prior to the termination date stated thereon and the employee has used more days leave than he/she has accumulated, a daily prorate adjustment will be made in the final check of the employee.

         f. The Sick Leave Bank procedure as contained within Administrative Procedure 4151.2 may allow a mental health employee to request and be granted days of sick leave for extended illness or disability in excess of the approved number of days allowed in paragraph #1 above.

   2. Payment for Accumulated Sick Leave

      a. Eligibility Criteria

         A mental health employee becomes eligible when the following criteria have been met, or when otherwise approved by the Board of Education.

         (1) Has been employed by the District as a full-time mental health employee in a position requiring certification for no less than twelve (12) years.

         (2) Has submitted a written resignation from employment in the District to the Board of Education. This resignation shall be effective prior to receiving cash and/or benefits under this policy.
MENTAL HEALTH EMPLOYEES

Policy: 4873

(3) Has completed an accumulated sick leave compensation application (Administrative Procedure 4151.3), and has submitted it to the Board of Education.

b. Payment Options for Accumulated Sick Leave

This payment will be based on the mental health employee's choice of one of the following options:

(1) Option A: this payment will be equal to the current substitute rate of pay times the retiree's number of accumulated days of sick leave.

or

(2) Option B: compensation for sick leave days in excess of thirty five (35) days shall be at the rate of one-half the employee's highest per diem rate during the last five years of employment. Per diem rate includes the employee's rate of pay on the salary schedule plus compensation for Special Professional Growth plan, if the employee is participating.

Upon the death of a mental health employee on active status or on Board approved leave, the District will pay the mental health employee’s designated beneficiary for the mental health employee’s accumulated sick leave according to Option A or B above whichever is greater.

c. Payment Schedule

Each mental health employee shall have the option to choose the number of months or years over which the payment for accumulated sick leave will be paid. All payments will be made in increments of months up to thirty-six (36) months or years up to three (3) years. In no case shall payments for accumulated sick leave in excess of $25,000 be made in less than two years.

d. Death Provisions

Upon the death of the retiree receiving retirement compensation, the unpaid portion of the allotment shall be due and payable to the retiree's designated beneficiary using the same schedule as agreed to by the retiree.

3. Jury Duty and Court Subpoena Leave

a. Leave will be given to mental health employees for appearance in court as a witness, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the mental health employee.

b. Mental health employees should notify their immediate supervisor or principal and the Office of Human Resources of the leave as soon as possible prior to the date service must be rendered.
c. Such leaves of absence will be granted with pay provided the mental health employee surrenders to the District any payment received for jury or witness fees, not including reimbursement for transportation expenses or meals.

4. Adoption and Childbirth Leave

a. Teacher will be granted up to thirty (30) days of accrued sick/general leave associated with the process of adoption. (e.g.: travel, medical examinations, and/or the requirements of the adoption agency and/or local, state, national, and international adoption regulations or other requirements that are of a similar nature, including the care of the adopted child or children.)

b. A father may use up to fifteen (15) days of accrued sick/general leave per school year within the first six (6) weeks following the birth of his child.

B. General Leave

Each mental health employee will be permitted a total of three (3) days (185 to 229 contracted days) or four (4) days (230 or more contracted days) per academic year for the purpose of the following General Leaves (1-7). Necessary travel time to accomplish the purpose of the following general leave (1-7), also qualifies for use of general leave. These days will not be accumulative as general leave from year to year. At the end of the academic school year, unused general leave will be converted and added to the mental health employee's accumulated sick leave.

Every effort will be made by the mental health employee to notify the building principal at least 24 hours in advance of such leave. Each mental health employee will be paid the normal rate of pay for the approved General Leaves. The mental health employee's signature on the General Leave Form will attest that the leave is being used in accordance with this policy. The total number of days will be chargeable to any or all of the following situations:

1. Personal Leave

   Personal Leave will be defined as required attendance for business of a personal nature, which cannot be accomplished except during the contract time. This leave is not intended for recreational use or to extend holidays or any breaks/vacations.

2. Bereavement, Graduation, and Wedding Leave

   Leave will be granted to an employee to attend a funeral, graduation or wedding of a member of the immediate family of the employee as herein defined, or for someone whose relationship with the employee is similar:

   - Spouse
   - Sister
   - Brother
   - Son
   - Mother-in-law
   - Grandparent
   - Daughter
   - Father-in-law
   - Guardian
   - Mother
   - Father
   - Step-child
   - Dependent Child
   - Grandchild
   - Step-parent
3. **Births**

Leave will be granted to the employee who gives birth or to the employee whose wife gives birth.

4. **Religious Holidays**

   a. Mental Health employee may be absent, with pay, on a day identified by a religious body as a religious holiday, provided the religious body has established that in order to properly observe such religious holiday no work should be performed on such day and provided the employee is an active member of such religious body. Notification for such absence shall be made to the principal, at least ten (10) school days prior to the religious holiday. Such absence shall not exceed three (3) days during the school year.

   b. Mental health employees who identify leave days as being for religious purposes under the provisions of this section shall be allowed to use sick leave for other general leave purposes up to the number of days used for religious leave (not to exceed three (3) days).

   c. Mental health employees who fail to identify leave days as being for religious purposes under the provisions of this section will not be allowed to use sick leave for other general leave purposes as defined in section (B). In these cases, the employee is not required to state the reason for the general leave usage.

5. **Emergencies**

   a. Leave will be granted for household emergencies auto mishaps, severe weather or road conditions and other unforeseen and unavoidable emergencies.

   b. An emergency is defined as an event when no foreknowledge exists on the part of the Mental Health employee and immediate attention to the emergency by the Mental Health employee is required.

   c. In cases of extreme emergency, additional days (those from sick leave) may be granted with the approval of the principal and the Superintendent or his/her designee.

6. **Professional Consulting Leave**

Leave will be granted for the purpose of serving as a consultant outside of the District.

7. **Professional Development Leave**

Leave will be granted for the purpose of preparing for and completing exams, written and/or oral, for the degrees of masters, specialist, and doctorate. Intent for such leave must be part of the mental health employee's approved professional growth plan.
8. Beginning in the second year of employment, mental health employees may use up to four (4) days of accrued sick leave annually for any of the identified general leave purposes except category 6 Professional Consulting Leave above.

C. Assault and/or Battery Leave

A mental health employee who is unable to perform his or her duties resulting from an assault and/or battery arising out of and incurred within the scope and course of, and in connection with, the performance of his or her assigned duties, and not as a result of his or her own negligence or disobedience of board policies or reasonable rules and regulations, shall be eligible to receive his or her full salary for the time he or she is temporarily absent from work as a result of the injury.

For purposes of this policy, the following definitions shall apply:

- “Assault” means any willful attempt or threat to inflict injury upon another person when coupled with an apparent present ability to do so, and any intentional display of force which would give a person reason to fear or expect immediate bodily harm.
- “Battery” means the intentional and wrongful physical contact with a person, which may include an object, without his or her consent, which entails some bodily injury or offensive touching.

The following conditions must be met before a Mental Health employee's full salary will be paid for assault and/or battery leave:

1. The Mental Health employee's conduct was within the bounds of general standards of professional behavior, the Mental Health employee was acting within the scope and course of his/her employment, and the Mental Health employee was not negligent.

2. The Mental Health employee must notify the building administrator or other appropriate administrator/supervisor as soon as possible of the occurrence and must complete a Workers’ Compensation first report of injury.

3. The reporting of such an injury must be in accordance with the required reporting, time lines and forms to be used for the reporting and handling of Workers’ Compensation accidents stated in Policy 4012 and Administrative Procedure 4012.1.

4. The Mental Health employee must use a District designated Workers’ Compensation physician, who will determine the necessity of the absence from work.

5. The amount of Workers’ Compensation payments for salary or such award made for temporary disability due to the injury from the assault and/or battery will be paid to the District for as long as such mental health employee is eligible for temporary disability payments under the Workers’ Compensation Act. The payment of such monies to the District shall constitute payment of compensation benefits to the employee in accordance with C.R.S. 8-42-124(2) of the Act.

In the event the foregoing conditions are satisfied, none of the days of absence resulting from such occurrence shall be deducted from the Mental Health employee’s accumulated sick
leave, general leave, or other similar benefit in accordance with C.R.S. 8-42-124(2) of the Act.

The District’s obligation to pay a Mental Health employee’s full salary under this policy for assault and/or battery leave shall terminate once the mental health employee has either been released to return to work or reaches maximum medical improvement as determined by the designated treating physician. The termination of the District’s obligation does not limit the right of the Mental Health employee to full payment of any permanent disability award granted to the Mental Health employee under the Workers’ Compensation Act.

However, if the Mental Health employee has been released to return to work or reaches maximum medical improvement but still requires medical treatment for injuries caused by the assault and/or battery, the employee will continue to receive normal salary for hours and/or days missed for such treatment until the treating physician has concluded that the injury caused by the assault and/or battery has terminated or up to six (6) calendar months from the date of the employee’s return to work or reaches maximum medical improvement, whichever is less. The Superintendent, or designee, may extend this time for receiving normal salary for treatment based on the teacher’s written request for such extension. If the Superintendent, or designee, does not offer such an extension, the written denial will include an explanation of the basis for the decision.

LEGAL REF.: C.R.S 8-40-101 et. seq. (Workers’ Compensation Act of Colorado)

CROSS REF.: Board Policy 4012 (Worker’s Compensation)
              Board Policy 4012.1 (Workers’ Compensation Claims Procedure)

D. Leave for Education/Experience

Leave may be granted a Mental Health employee for the purpose of increasing that person's professional expertise in job-related areas. It shall be granted for one year or such portion of one year as approved by the Board. Compensation shall be at the discretion of the Board based upon the particular experience, education, or research project outlined by the Mental Health employee.

Mental Health employees shall be required to work for the Cherry Creek School District for a comparable amount of time as the length of the paid leave upon completion of the experience.

Split from Policy 4801 to new Policy 4875 From Policy 4875 to Policy 4873

E. Attendance at Professional Conferences – Meetings

All professional Mental Health employees are encouraged to attend workshops and conferences as part of their professional growth. In this regard, $20,000 will be budgeted within the Student Achievement Services budget for the purpose of in-service education of Mental Health Employees.

Changed from Policy 4801 to new Policy 4876 From Policy 4876 to Policy 4873.
F. **Public Office Leave**

Mental Health employees who are elected public officials may be granted leave as necessary to fulfill the duties of that office. If pay accompanies the released time, the mental health employee will turn in the pay, as is the policy for jury service.

From Policy 4874 to 4873

G. **Physical Examination Leave**

Leave with pay will be granted for physical examinations required by the Superintendent when the time specifications of that requirement necessitate school time to comply.

H. **Emergency Leave**

When any event or circumstance at a work site, such as a natural disaster or medical quarantine, restricts an employee from reporting to work at his/her assigned building, the District will provide options to prevent loss of pay or paid leave such as:

1. The District will assign the employee(s) an alternative site(s) and/or position(s) until the employee(s) is (are) able to return to his/her (their) assigned building.
2. The District will provide an opportunity for the employee to make up the day(s) on non-contracted days.

The options listed above do not preclude an employee's appropriate use of other leaves in this policy.

2. **Extended Leaves of Absence: Non-Paid**

   A. **General Provisions**

   Extended leaves of absence granted under this policy will be without pay. All accrued benefits, credits and years of service will be restored to a mental health employee upon return to employment. No leave referred to in this policy will be considered an interruption of service.

   All requests for extended leave of absence or renewals will be made in writing to the Superintendent.

   1. A Mental Health employee whose leave does not exceed eighteen (18) weeks, not including breaks, holidays, and off-track time (for year round Mental Health Employees) will return to the same school and position provided:

      a. The exact days of leave are included in the leave application and approval;
      b. The return date is prior to the last four weeks of the school year;
      c. The returning mental health employee does not interfere with ongoing athletic season or other performance schedules in which the mental health employee is directly involved.
Mental Health Employees Policy: 4873

2. A Mental Health employee whose leave exceeds the above time will return only at the beginning of a semester, quarter, or other natural break in the school year. Every effort will be made to return the Mental Health employee to the same school.

While on extended leave without pay, if not otherwise provided for, the Mental Health employee will have the option to remain on active participant in benefit programs by contributing the full cost of the programs.

Except in cases of hardship, all Mental Health employees are expected to make application for leaves thirty (30) calendar days prior to the commencement of the leave. All requests for approval will be made on the prescribed form. Mental health employees returning from such leave will be placed on the salary schedule at the step to which they would have been entitled prior to taking such leave based on service and paid leave completed prior to taking the unpaid leave. (See Policy 4870)

B. Extended Health (Medical) Leave

A Mental Health employee who is disabled due to illness or injury may apply for an Extended Medical Leave by submitting a request for such leave together with a certificate from a licensed and recognized physician confirming the nature and extent of the disability due to illness or injury.

Requests for medical leave will be granted for up to one (1) year when the disability is established. Extension of leave beyond that time is at the discretion of the District.

A Mental Health employee on an Extended Medical Health Leave seeking an extension must submit a certificate from a licensed and recognized physician establishing the Mental Health employee’s continuing disability. A Mental Health employee seeking to return from a medical leave, which includes a leave for disability reasons, must submit a certificate from a licensed and recognized physician establishing the Mental Health employee’s fitness to perform the duties of his/her position.

A Mental Health employee who is pregnant will be granted medical leave, due to pregnancy related disability, for any period of time when she is unable to perform the duties of her position. See Policy 4873 and Administrative Procedure 4151.2 (Sick Leave Bank) for eligibility for paid sick leave. A mental health employee, who has recently delivered, may qualify for a Parenting Leave under Policy 4873 (3) below.

See District Policy GBGF regarding Family Medical Leave Eligibility.

C. Parenting Leave

Upon written request, a Mental Health employee may be granted leave for the purpose of caring for children in the family. Such request must include the period of anticipated leave. In unusual circumstances, the period of leave may be extended.

Upon request, a Mental Health employee adopting a child may be granted an unpaid leave commencing at the time of adoption. Said Mental Health employee will notify
the Superintendent in writing of the desire to take such leave as soon as approval is known. Except in cases of emergency, the Mental Health employee will give notice 30 days prior to the date at which time the leave is to begin. Such request must include the periods of anticipated leave. In unusual circumstances the period of leave may be extended.

D. Family Care Leave

Leave of absence, of up to one year, will be granted for the purpose of caring for a sick member of a Mental Health employee's immediate family or household, as defined in Sick Leave Policy. The illness is subject to verification.

E. Extended Leave under the provisions of the Family Medical Leave Act (FMLA)

Mental Health employees covered by this policy may also be entitled to leaves by virtue of the federally enacted Family Medical Leave Act. While federal law allows the District to deny leave under certain circumstances to employees who are among the highest ten percent (10%) in compensation of District employees, the District shall not invoke the highest ten percent (10%) rule to deny leave under these provisions. Upon return from leave that is solely an FMLA leave, the Mental Health employee shall be returned to the school and position or positions previously held. Mental Health employees are encouraged to discuss the expected return from leave in advance and to make reasonable plans to return in a manner which least disrupts services and other activities. If the FMLA leave is extended by any other leave, the Mental Health employees shall be placed in accordance with the return-from-leave provisions in this policy.

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