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## **EXPLANATION: PROFESSIONAL STAFF SHORT-TERM LEAVES**

MSBA has added leave for victims of domestic or sexual violence as required by House Bill 432 (2021). This leave is being informally referred to as the Victims' Economic Safety and Security Act (VESSA) leave. Employees who are victims of domestic or sexual violence may use this unpaid leave for court appearances, counseling, medical attention and other services related to being a victim of domestic or sexual violence. Employees may also use this leave if a family member or member of the household has been a victim of domestic or sexual violence.

While the law does not address the use of paid leave, MSBA assumes the district can allow employees to take accumulated paid leave concurrently with this leave.

The district must provide notice to all current employees and to new employees when they are hired. The Missouri Department of Labor and Industrial Relations (DOLIR) has created a sample notice, and MSBA has created a form that is available on our website. Upon request, DOLIR will provide summaries and rules of the law without charge.

### **Employees:**

- Are entitled to two weeks of unpaid leave unless there are fewer than 50 employees. Districts with at least 20 and no more than 49 employees are required to provide only one week of leave.
- Are required to provide 48 hours' notice before taking the leave unless such notice is not practicable.
- May take leave intermittently or on a reduced work schedule.
- Must provide requested certification of the need to take leave within a reasonable period after the request.
- Are entitled to return to their previous position or a position with equivalent pay, benefits and other terms and conditions of employment upon return from leave.
- Shall not lose any benefit accrued prior to taking leave.
- May request safety accommodations based on the domestic or sexual violence experienced.

### **Employers:**

- Must provide notice to all current employees and new hires.
- May request certification of the need for leave.

- **Must maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the same conditions such coverage would have been provided if the employee had not taken leave.**
- **Must make reasonable safety accommodations in a timely manner.**
- **Must maintain records associated with taking VESSA leave in the strictest confidence.**

## PROFESSIONAL STAFF SHORT-TERM LEAVES

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. However, the board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

The district may require an employee to provide the district verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, 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.

The following leaves **with pay** will be provided to full-time (30 hours or more per week) professional staff employees. This policy does not apply to temporary or substitute staff members unless otherwise noted.

Persons in the following types of employment are not entitled to leave benefits:

- Casual employees who work on an on-call or as-needed basis.
- Part-time employees who work less than 30 hours per week on a normal basis.

Leave days are earned at the rate of one day a month, but full credit for total eligible leave days will be awarded annually at the beginning of each year, or fiscal year, July 1.

Leave days will not be reinstated upon re-employment after a previous resignation or termination from the school district.

All leave must be taken in 15-minute increments.

1. **Paid Leave for Illness** – Full-time district employees earn one day of paid leave for each month worked, but full credit for total eligible leave days will be awarded at the beginning of each school year. Professional staff employees whose assignments call for 12 months of full-time employment will receive 12 days of paid leave, those with 11 months of full-time employment will receive 11 days of paid leave, and those whose assignments call for ten months of full-time employment will receive ten days of paid leave. Unused paid leave will be cumulative to 100 paid leave days.

Absences for illness may be charged against paid leave for the following reasons:

- a. Illness, injury or incapacity of the employee. The board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid leave.

- b. Illness, injury, incapacity, or death of a member of the immediate family. The board defines "immediate family" to include employee's spouse, parents, children, children's spouses, father or mother-in-law, brother or sister-in-law, grandparents, grandchildren and siblings, any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver, or any other person as granted by the superintendent. (Note: "Immediate family" for FMLA purposes is defined differently by federal statute.)
  - c. Illness, injury or incapacity of other relatives, with permission granted by the superintendent.
  - d. Pregnancy, childbirth and adoption leave in accordance with this policy.
2. **Bereavement** – Full-time employees may take up to three days per year for bereavement in the case of the death of an immediate family member. These days are in addition to the days provided for sickness and personal business. These days do not carry over to the next year if not used. If the employee needs more than three days, he or she may use Paid Leave for Illness with permission of direct supervisor. The board defines "immediate family" to include employee's spouse, parents, children, children's spouses, father or mother-in-law, brother- or sister-in-law, grandparents, grandchildren and siblings, any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver, or any other person as granted by the superintendent. (Note: "Immediate family" for FMLA purposes is defined differently by federal statute.)
3. **Personal Business Days** – Full-time employees may designate up to four days earned each year as personal business days (PBDs). No more than two personal business days may be taken consecutively. If an employee has a critical event that requires more than two consecutive personal business days, he or she must request permission with an explanation to the human resources director at least one calendar week prior to the first requested absences.

Permission will be granted only for events that are deemed critical. Vacations are not considered critical. Whenever possible, it is expected that requests for one or two consecutive PBDs will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request.

The following conditions apply to PBDs:

- Only four leave days per year may be designated as PBDs.

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- Only two PBDs may be used consecutively. If the employee would like to use three to four PBDs consecutively, the employee must request permission from the director of human resources at least one calendar week prior to the first absence. Permission will only be given for critical events such as the wedding of an immediate family member taking place out of state or a once in a lifetime event. Documentation will be required to substantiate the critical event.
- Permission will not be given for vacations.
- The principal/supervisor may approve up to a maximum of five percent of professional staff PBD requests on any specific eligible date. Once the five percent maximum has been approved, the principal/supervisor will deny any additional requests. Appeals to these denials may be submitted via email to the assistant superintendent of human resources. Appeals will be considered on a case-by-case basis for emergencies and critical events.
- The following times are ineligible for employees to use PBDs:
  - 1) Any day preceding or following a holiday or vacation period.
  - 2) The contract days preceding the first day of school. (This includes evening events such as “Meet the Teacher” night.)
  - 3) The first or last week of school.
  - 4) Royals Opening Day.
  - 5) St. Patrick’s Day.
  - 6) Parent/Teacher Conferences. (Employees that work these conferences may take up to three hours to attend their children's conferences with permission from their immediate supervisor. Employees are responsible for scheduling a conference to accommodate their absence.)
- If an employee is absent on an ineligible day, he or she will not be paid unless:
  - 1) The employee contacted his or her supervisor and the human resources director prior to or the morning of the absent day with a personal illness, illness of a child, or death of an immediate family member. The supervisor or human resources director may require the employee to present documentation of the illness or death.
  - 2) The employee obtained permission from the director of human resources at least one calendar week before the ineligible day with an explanation of a critical event such as a family wedding or graduation and was granted

permission. Documentation will be required to substantiate the critical event. Permission to be absent on ineligible days will not be granted for vacation.

If an employee chooses to be absent on an ineligible day without illness or permission, he or she will not be paid for that day.

Twelve-month employees that have vacation may take vacation days on ineligible days. However, the employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use PBDs during the period the employee receives Workers' Compensation for time lost to work-related incidents.

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. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

A district employee may not use or earn paid leave during the period the employee receives Workers' Compensation for time lost to work-related incidents.

Any certificated employee who is a member of a retirement system shall remain a member during any period of leave under paid leave provisions of the district or under Workers' Compensation. The employee shall also receive creditable service credit for such leave time if the employee makes contributions to the system equal to the amount of contributions that he or she would have made had he or she been on active service status.

### ***Paid Leave Buy-Back***

Upon retirement from the district or upon death while a current employee but eligible for retirement from the district, employees are eligible for remuneration for all appropriate accumulated paid leave up to the maximum amount allowed by this policy. Certificated employees' remuneration for accumulated leave upon retirement shall be at the rate of 25% of their daily rate of pay. The daily rate of pay is formulated upon the employee's base pay without extra duty compensation.

Pay for accumulated sick leave shall be paid only upon recognized retirement by state and federal retirement systems.

4. **Vacation** – All professional staff employed on a 12-month basis will receive paid vacation days each year, the number of which will depend on their years of service in the

district. Employees with up to ten completed years of service to the district will receive ten days of vacation per year, accrued at a rate of .8334 days per month or partial month worked. Unused vacation days for these employees will be cumulative to a maximum of 20 vacation days as of December 31 each fiscal year, meaning that the employees must use the excess days before January 1 or they will lose any days accumulated over 20.

Beginning with their eleventh consecutive year of employment with the district, employees will receive 15 days of vacation per year, accrued at a rate of 1.2500 days per month or partial month worked. Unused vacation days for these employees will be cumulative to a maximum of 30 vacation days as of December 31 each fiscal year, meaning that the employees must use the excess days before January 1 or they will lose any days accumulated over 30.

Regardless of contract days per year, all previous years of full-time service in the district for will be considered in determining the rate of vacation days earned. Part-time years of service will be prorated to their full-time equivalency for the purposes of calculating vacation time, but services as a substitute will not be counted.

An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employee may take his or her vacation.

A district employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

### ***Vacation Buy-Back***

Upon separation or retirement from the district, employees are eligible for remuneration for all accumulated vacation. Certificated employees' remuneration for vacation days shall be at the daily rate of pay. The daily rate of pay is formulated upon the employee's base pay without extra duty compensation.

Unless otherwise provided, the following leaves will be provided to full-time and part-time professional employees.

1. **Holidays** – New Year's Day, Martin Luther King, Jr Day, President's Day, Memorial Day, Juneteenth, July 4, Labor Day, Thanksgiving Day and Christmas Day.

The district will grant paid and unpaid holidays in accordance with the academic calendar adopted by the board. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.

2. **Professional Leave** – Certificated staff members may be granted professional leave to attend classes or conferences, meet with mentors or participate in other approved professional growth activities. Professional leave must be approved by the superintendent or designee and arranged well in advance.
3. **Military Leave** – The board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
4. **Election Leave** – Any employee who is appointed as an election judge pursuant to state law may be absent on any election day for the period of time required by the election authority. The employee must notify the district at least seven days prior to any election in which the employee will serve as an election judge. No employee will be terminated, disciplined, threatened or otherwise subjected to adverse action based on the employee's service as an election judge.
5. **Leave to Vote** – Employees who do not have three successive hours free from work while the polls are open will be granted a leave period of up to three hours to permit the employees three successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination or loss of wages or salary.
6. **Jury Duty Leave** – An employee will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or time spent actually serving on a jury. An employee will not be terminated, disciplined, threatened or otherwise subjected to adverse action because of the employee's receipt of or response to a jury summons. The employee shall present documentation of his or her jury service to the building principal or an immediate supervisor.
7. **Leave for Court Subpoena** – If the subpoena is directly related to the employee's school duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from PDOs.
8. **Firefighter Leave** – Employees will be allowed to use PDOs, vacation and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One, Urban Search and Rescue Team or those activated by the Federal Emergency Management Agency (FEMA) in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency.



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Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.

9. **Crime Victim Leave** – Any employee who is a crime victim, who witnesses a crime or who has an immediate family member who is a crime victim will not be required to use vacation, PDOs or paid leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding or participate in the preparation of the criminal proceeding.
10. **Civil Air Patrol Leave** – Any employee who is a member of Civil Air Patrol and has qualified for a Civil Air Patrol emergency service specialty or who is certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employee be exempted from responding to a specific mission.
11. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves of absence will be given without loss of time, regular leave or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year, but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.
12. **Victims' Economic Safety and Security Act (VESSA) Leave** – Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two workweeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees will be limited to one workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence.

Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

## **Unpaid Leave**

1. **Authorized Absence Without Pay** – When an employee desires to be absent for personal reasons not included in the board’s provisions for leaves and absences, the employee may apply for an authorized absence without pay.

To apply for an authorized absence without pay, the employee must submit a written request stating the reasons for requesting the leave and any special circumstances that exist to the assistant superintendent of human resources. The request shall be made at least two days in advance of the absence. Upon approval by the assistant superintendent of human resources, the employee must then submit a written request to the employee’s immediate supervisor or principal.

If approved for an authorized absence without pay, the employee’s salary is deducted at his/her daily rate of pay for each day of absence. Certificated personnel shall be limited to five days of authorized absence without pay per contract year. Absence for longer than five contract days must have the approval of the superintendent or designee.

Absence without approval from the district will be treated by the board of education in accordance with Missouri law and board policy regarding grounds for termination.

2. **Child-Rearing Leave** – In case of birth or adoption of a child, any teacher shall have the right to apply for a leave without pay for child-rearing purposes. In cases where both the father and mother of the child may be teachers in the district, only one of said persons shall be entitled to such leave. Details for using child-rearing leave are set out in procedure GCBDA-AP.

## **Pregnancy, Childbirth and Adoption Leave**

This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA. The district shall only apply up to 12 weeks of accrued paid leave to such absences.

Employees who are ineligible for FMLA leave may take up to 12 weeks of leave for the birth, first-year care, adoption or foster care of a child and may use any combination of accrued paid

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leave, PDOs, vacation or unpaid leave. Pregnant employees who need more than 12 weeks of paid or unpaid leave for a pregnancy-related incapacity must provide certification of the medical necessity for such leave.

## Extended Leave for Illness

The assistant superintendent of human resources may grant extended leave with or without pay to any employee whose illness, injury or incapacity extends beyond the period of accumulated leave days and who does not meet FMLA eligibility requirements. The assistant superintendent of human resources may grant this extended leave without pay not to exceed 20 days. The board may grant an extension of this leave. These leave days are calculated on a "rolling" 12-month period measured backward from the date of any extended leave usage. Each employee, at the request of the superintendent, may be required to provide a physician's certificate validating the reason for the prolonged absence.

If employee provides appropriate documentation and qualifies for extended leave, he or she continues receiving benefits. Leave is paid as long as employee has days available. The district continues to pay the district portion on insurance. There is a 60-day limit on extended leave. (Each 20 days must be approved by the board of education.)

Once an employee exhausts the 60 days of FMLA OR extended leave, he or she must begin paying the district portion of insurance UNLESS:

- Employee has accumulated paid leave and/or
- Employee works at least one day in the month.

Employee will be offered COBRA if he or she chooses to discontinue district health insurance.

~~*Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*~~ **Search the index for this section and the cross references to identify related policies, administrative procedures and forms.**

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Cross Refs: DLB, Salary Deductions  
HA, Negotiations with Employee Representatives  
IC, Academic Calendar

Legal Refs: §§ 41.1000, .1005, 105.270 - .271, 115.102, .639, 168.122, 169.595, 285.625,  
.670, 320.200, .330 - .339, 494.460, 595.209, RSMo.  
Fair Labor Standards Act, 29 U.S.C. §§ 201 - 21  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619  
Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy  
Discrimination Act, 42 U.S.C. § 2000e-1 - 2000e-17  
29 C.F.R. § 1604.10

Raytown C-2 School District, Raytown, Missouri