

Policy GDBDA: SUPPORT STAFF LEAVES

Status: DRAFT

Original Adopted Date: 07/01/2007 | Last Revised Date: 08/12/2024

24C UPDATE EXPLANATION

This policy was revised for clarity. It was also amended to more clearly address leaves for part-time employees. Please carefully review the language to ensure it accurately reflects your district's practices. If not, please take the time to modify the policy accordingly.

This policy was also amended to align with the Pregnant Workers Fairness Act (PWFA), a new federal law that requires employers with 15 or more employees to provide accommodations to employees' known physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This obligation exists even if the condition does not rise to the level of a disability. Lactation is obviously one of the physical conditions arising out of pregnancy.

Under the PWFA, it is illegal for an employer to:

1. Not make reasonable accommodations for a pregnant employee experiencing any limitation related to pregnancy or related conditions (a "qualified employee") unless the district can demonstrate that the accommodations would impose an undue hardship on the operation of the district's business;
2. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through an interactive process;
3. Deny employment opportunities to an employee because the employee needs an accommodation;
4. Require a qualified employee to take paid or unpaid leave if another reasonable accommodation can be provided to the known limitations; or
5. Take adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation.

This policy has also been revised to clarify and simplify when employees may use paid leave during extended absences. The limitation to six weeks of paid leave in case of extended absences related to pregnancy has been removed. MSBA initially put that language in the policy to encourage employees who were eligible for FMLA leave to return to work. This is still a worthy policy goal. However, some districts have had difficulty explaining to employees why they are entitled to take time off under the FMLA but cannot use their accumulated paid leave for the absence. Further, because districts pay employees for unused leave days, some districts prefer that employees use those days. For these reasons, MSBA has altered its standard policy. However, districts may customize this language to meet the needs of the district.

Editor's Note: Can you tell me what PDOs stands for? I see what PBDs stands for, but not a full spelling out of PDOs. This will need to be included somewhere in this policy, unless they should all be PBDs.

Consistent staffing is important to the learning environment and district operation and therefore is an essential duty of all employees. 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.

To the extent permitted by law, 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 support staff employees (30 hours or more per week). Regular part-time support employees will receive these leaves in proportion to the full-time equivalent (FTE) they are scheduled to work. For example, employees who work .5 FTE will receive half the number of leave days as full-time 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.
- Probationary employees who have worked less than 60 days.

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. Any support ~~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. The Family and Medical Leave Act (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 and the law.
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, ~~they~~ 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 that have 1-9 years of service may designate up to five days earned each year as personal business days (PBDs). Full-time employees with 10+ years of service may designate up to ten 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, ~~they~~ 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 five leave days per year may be designated as PBDs for staff with 1-9 years of service.
- Up to ten leave days per year may be designated as PBDs for staff with 10+ years of service.
- 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 or graduation 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 support 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, ~~they~~ ~~he or she~~ will not be paid unless:
 1. The employee contacted ~~their~~ ~~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 the wedding or graduation of an immediate family member 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, ~~they~~ ~~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~~ ~~employees~~ 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~~ ~~employees~~ may take ~~his or her~~ vacation.

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

~~Employees~~ ~~Staff members~~ who are ill ~~may be required~~ ~~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 they receive Workers' Compensation for time lost to work-related incidents.

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

Paid Leave Buy-Back

Upon retirement from the district or upon death while a current employee, employees are eligible for remuneration for all appropriate accumulated paid leave up to the maximum amount allowed by this policy. Support staff employees' remuneration for accumulated leave shall be at the rate of 25 percent 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 upon recognized retirement by state and federal retirement systems or upon death while a current employee.

4. **Vacation** – All support 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 number 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.

All previous years of full-time service in the district will be considered in determining the rate of vacation days earned. Part-time years of service will be prorated to their FTE full-time equivalency for the purposes of calculating vacation time.

An employee must submit a written request for vacation to his or her supervisor and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the supervisor 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 they receive 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. Support staff employees' remuneration for vacation days shall be at the daily rate of pay.

Unless otherwise provided, the following leaves will be provided to full-time and part-time support staff 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** – Employees may be granted professional leave to attend classes or conferences, meet with mentors, or participate in other district-approved professional growth activities. Professional leave is not considered personal leave and 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 employees who are 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 employees must notify the district at least seven days prior to any election in which they will serve as an election judge. No employees will not be terminated, disciplined, threatened, or otherwise subjected to adverse action based on their 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 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 their receipt of or response to a jury summons. The employee shall present documentation of their jury service to the building principal or an immediate supervisor.
7. **Leave for Court Subpoena** – If an employee who receives a 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 Disaster Medical Assistance Team-1, 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. 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 employees 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

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 their/his/her daily rate of pay for each day of absence. Support personnel shall be limited to five days of authorized absence without pay per school year. Absence for longer than five 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.

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 will apply up to 12 weeks of accrued paid leave to such absences any applicable paid leave the employee has accrued. Employees whose FMLA leave exceeds their applicable accrued paid leave may use unpaid leave for the remainder of the FMLA absence as allowed by law.

Employees who are ineligible for FMLA leave may take up to 12 weeks of unpaid leave for the birth, first-year care, adoption, or foster care of a child and may use any combination of accrued paid leave, PDOs, vacation or unpaid leave. The district will apply to such absences any applicable paid leave the employee has accrued. Employees who

have not accrued a sufficient amount of paid leave will be provided 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. Employees who need additional leave or other accommodations for a limitation related to pregnancy, childbirth, or related medical conditions should communicate their need for accommodation to any person who supervises, manages, or directs any of their work, and the district will afford accommodations as required by law. Additional unpaid leave may be an accommodation under the Pregnant Workers' Fairness Act (PWFA) in some circumstances, but the district will not require employees to accept leave as an accommodation without engaging in an interactive process to determine appropriate accommodations.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§ 115.102, RSMo.
§ 115.639, RSMo.
§ 168.122, RSMo.
§ 169.595, RSMo.
§ 320.200, RSMo.
§ 41.1000, RSMo.
§ 41.1005, RSMo.
§ 494.460, RSMo.
§ 595.209, RSMo.
§§ 105.270-.271, RSMo.
§§ 285.625-670
§§ 320.330-.339, RSMo.

Description

[State Statute](#)
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Federal References

29 C.F.R. § 1604.10
29 U.S.C. §§ 2611-2619
29 U.S.C. § 216(c)
42 U.S.C. §§ 2000d-2000d-7
42 U.S.C. §§ 2000e-1-2000e-17
42 U.S.C. §§ 2000gg-1 – 2000gg-6

Description

[Federal Regulation](#)
[Family and Medical Leave Act](#)
[Fair Labor Standards Act](#)
[Title VI of the Civil Rights Act of 1964](#)
[Title VII of the Civil Rights Act of 1964](#)
[Pregnant Workers Fairness Act](#)

Cross References

DLB
DLB-AP(1)
DLB-AF(1)
IC

Description

[SALARY DEDUCTIONS](#)
[SALARY DEDUCTIONS](#)
[SALARY DEDUCTIONS](#)
[ACADEMIC CALENDAR](#)