

# Harney Education Service District

Code: **GDBD**  
Adopted: 6/11/03  
Readopted: 2/13/13  
Orig. Code(s): GDBD

## **Leaves and Absences - Classified**

### **Leaves of Absence With Pay**

A regular full-time employee, upon application in writing and upon approval of the superintendent, may obtain leave of absence with pay under the conditions of this section and as provided by Oregon law. A regular employee is defined herein as any employee of the ESD whose conditions of employment require full-time service to the ESD at least eight school months in any school year. Employees whose employment with the ESD is temporary or otherwise conditional or as defined in ORS 342.815(7) and (9) ordinarily shall not be considered as regular employees.

### **Personal Illness and Injury Leave (Sick Leave)**

Sick leave entitlement for personal illness/injury will accrue at the rate of one day (eight hours) per month employed as provided by Oregon Revised Statutes. Noncontracted personnel who have accumulated sick leave during employment in another district or public agency shall, upon verification, be allowed to transfer up to 75 days to this ESD. However, the accumulation shall not exceed that carried by the most recent employing district. Sick leave may be used in one hour increments and a full-day absence will require eight hours of sick leave. In accordance with state law, this leave will accumulate without limit.

The ESD reserves the right after five consecutive days of absence, to require proof of personal illness or injury from all employees, including a medical examination by a physician chosen and paid for by the ESD. Any employee refusing to submit to such an examination or to provide other evidence as required by the ESD, shall be subject to appropriate disciplinary action, up to and including dismissal.

All medical information will be kept confidential, in a separate file from personnel records and released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

Sickness or other unavoidable circumstances that prevent an employee working 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the employee being placed on unpaid leave for the remainder of the school year. If the employee is still unable to return to work the following August 1 the Board may terminate the employee's employment, subject to state and federal laws regarding family illness leave.

All ESD-paid employee benefits, such as health and dental insurance, will cease on the last day of the month in which employment is terminated, or the staff member is placed on unpaid leave. The staff member will be informed of his/her rights to remain a part of the ESD benefit plan at personal expense.

Any worker who has sustained a compensable personal injury or illness and is disabled and is unable to perform his/her essential job function will be reemployed at such time as a physician issues a certificate

stating the type of work that is appropriate for reassignment, assuming such work is both suitable and available.

Upon termination of employment from the ESD, accrued sick leave earned shall be available for transfer to another Oregon district as per ORS 342.596. In no circumstance shall unused sick leave become a benefit payable in cash.

### **Jury Duty**

Upon receiving notice, any regular employee shall be granted a leave of absence with pay for service upon a jury. Pay for jury duty, exclusive of travel and other expenses, is deducted from that employee's next regular check.

### **Court Appearance**

Employees who appear before a court, legislative committee or other judicial or quasi-judicial body, as witness in response to a subpoena or other direction by proper authority, shall be granted leave for such appearance, provided that the salary paid to such employee shall be reduced by an amount equal to that received by such employee as witness fees.

### **Personal Leave**

At the discretion of the ESD superintendent, up to three days leave of absence may be granted for personal, legal business, household or family matters which require absence during working hours. Arrangements for personal leave must be arranged and approved by the superintendent before taking such leave. Personal business leave ordinarily will not be approved to extend regular vacations or holiday periods. Unused personal leave is not cumulative from one year to the next and is automatically cancelled upon termination of employment. Personal Leave may be used in one hour increments and a full-day absence will require eight hours of personal leave. In no circumstance shall unused personal leave become a benefit payable in cash.

### **Bereavement**

Employees shall be allowed five days excused absence with full pay for critical illness or death in the immediate family. Bereavement leave may be used in one hour increments and a full day absence will require eight hours of bereavement leave. Bereavement leave does not accrue from year to year. In no circumstance shall unused bereavement leave become a benefit payable in cash.

### **Special Leave**

At the request of the superintendent, noncontracted personnel may be required to attend training sessions or other types of in-service and extension programs. Required attendance shall be at the expense of the district. Optional attendance expenses shall be determined and approved prior to leave granted for such purposes.

## **Membership in Professional Organizations**

Noncontracted employees may be granted special leave when the employee's membership in a professional organization requires leave to attend conferences or to perform duties associated with such membership. Such leaves ordinarily will not be approved unless attendance at such conferences has a direct relationship to the employee's service to the ESD.

## **Leaves of Absence Without Pay**

A regular full-time noncontracted employee, upon application in writing and upon approval of the superintendent, may obtain leave of absence without pay for a period not to exceed one year, except as provided in ORS 236.040, ORS 408.240 and ORS 652.250. A regular employee is defined herein as a noncontracted employee of the ESD whose service is required as a part of programs or services provided by the ESD, when such services are a part of those services the ESD normally offers to schools or other agencies by resolution, contract or other legally binding agreement the Board may enter into. A full-time employee is defined herein as an employee whose services to the ESD is required for a normal workweek 10 months of the fiscal year, excluding accrued vacation time when applicable. However, licensed personnel assistants whose employment is full-time for nine months or more shall be considered full-time employees. Employees whose employment with the ESD is temporary, part-time or otherwise conditional ordinarily shall not be considered as regular employees.

All applications must include the effective date of the leave and the date on which the leave will terminate. Applications shall be submitted to the superintendent no later than 90 days prior to the date the leave is to become effective.

At the expiration of the leave, employees shall be reinstated to service with the ESD in a position comparable to the one held at the time the leave commenced without loss of any rights or benefits which would ordinarily accrue to regular full-time employees. Sick leave and vacation time shall not accrue during any leave without pay. Except where applicable law requires, seniority rights are not accrued while on leave.

Employees shall be returned to service with the ESD upon the expiration of leave in a position at least commensurate with the position formerly held, except when the position formerly occupied has been abolished.

Subject to the exceptions of ESD leave policy, an employee may be returned to service at any time prior to the expiration of his/her leave upon recommendation of the superintendent.

If the leave of absence expires at the end of the school year, the employee shall notify the superintendent on or before April 1 preceding the date of his/her intended return to service. Such notification shall be in writing, signed by the employee.

Failure to notify the superintendent of the employee's intent to return to service shall constitute evidence of nonreturn to service and shall be considered just cause for dismissal.

## Other Leaves Without Pay

Upon approval of the superintendent, a leave of absence without pay may be granted to regular employees who would not qualify for leave under any other provision of leave policy. Such leaves may be granted under the following conditions.

1. Election to Legislature

When an employee elected to the legislature is required to attend regular biennial sessions or special session called by the Governor. Such leave may include attendance at special meetings associated with the legislative office between sessions.

2. Temporary Disability

When an employee suffers a temporary disability or critical illness when such disability or illness would not qualify for sick leave.

3. Unusual Conditions

When an employee requires leave because of unusual conditions over which the employee has no control.

4. Sick Leave Without Pay

Upon application, any employee may be granted sick leave without pay for an entire period of disability when accrued sick leave allowances are not sufficient. When such leave exceeds one year, it may be renewed, but the Board may require that the employee submit evidence of illness or disability from the attending physician. If the employee fails to submit such evidence or if such evidence does not clearly show sufficient disability to preclude the performance of normal duties, such sick leave shall be cancelled, and the employee's service may be terminated.

5. On-The-Job-Injuries

When an employee is injured while performing his/her job duties and qualifies for Workers' Compensation benefits, the employee may:

- a. Elect to receive only Workers' Compensation benefits and not use any of his/her accumulated sick leave; or
- b. Elect to receive Workers' Compensation benefits and use his/her accumulated sick leave to make up the difference between the amount of the Workers' Compensation benefits received and his/her normal salary or hourly wage. Accumulated sick leave may be used in this manner until depleted, at which time the employee will be eligible to receive only Workers' Compensation benefits, if any remain available.

END OF POLICY

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**Legal Reference(s):**

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 342.610](#)

[ORS 659A.046](#)

[OAR 581-024-0245](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).