

# Lane Education Service District Policy

Code: **G CBD/GDBD**  
Adopted: 3/28/95; 1/25/94  
Revised/Readopted: 9/25/01  
Orig. Code(s): G CBD/GDBD;  
G CBDA/GDBDA

## Leaves and Absences

Sick leave entitlement for personal illness/injury will accrue at the rate of 10 days each year for 10-month employees as provided by Oregon Revised Statutes. Twelve-month employees will accrue 1 day per month or 12 days each year. All other employees will receive one day per month.

In accordance with state law, this leave will accumulate without limit.

Lane 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 a teacher from teaching 20 school days immediately following exhaustion of sick leave accumulated under Oregon law will result in the teacher being placed on unpaid leave for the remainder of the school year or until the teacher's disability is removed and he/she is able to return to work. If the teacher is still unable to return to work the following August 1 the Board may terminate the teacher'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, unless the unpaid leave is in conjunction with state or federal family medical 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 re-employed 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. Such rights of re-employment are subject to seniority rights and other restrictions of the collective bargaining agreement between the employer and employee bargaining unit.

Unused sick leave may be accumulated without limit. If an employee transfers from another school district or ESD covered by the provisions of Oregon revised statutes, however, no more than 75 days (600 hours) may be transferred for sick leave purposes. The earned sick leave of any newly hired employee who has been employed by another school district or ESD, whose employment was terminated for reasons other than action initiated by that school district for cause and who is hired by the ESD within one year of such termination shall be allowed to transfer up to 10 days per year of service and a maximum of 75 days of

accumulated sick leave. Such transfer shall be made at the initiative of the employee and shall be credited only after 30 days of employment by the ESD.

For purposes of determining retirement benefits, the local governing board is required to permit a school employee to transfer an unlimited number of days of unused accumulated sick leave from another Oregon district employer.

Whatever the claim of disability, no day of absence on which the employee has engaged in a concerted work stoppage shall be considered a sick leave day.

Whatever the claim of disability, no day of absence on which the employee sought, prepared for or engaged in other gainful employment shall be considered a sick leave day.

The Board recognizes that in certain instances an employee may wish extended uncompensated leave for personal reasons and that Lane ESD could benefit from the return of said employee. For that purpose, the Board will promulgate policy for the award of uncompensated leaves of absence for reasons other than those specified by statute.

The Board reserves the right to specify the conditions under which uncompensated leave may be taken. The conditions will be set forth in ESD administrative rules.

If a suitable position vacancy exists for which the employee is qualified when the period of uncompensated leave ends the employee will be offered a position as nearly comparable in nature and status to that previously held as such vacancy allows.

Time spent on uncompensated leave shall not count as service time (time on the job); however, uncompensated leave shall not disrupt the employee's continuity as a member of the Public Employee's Retirement System.

While on uncompensated leave, an employee shall be entitled to insurance benefits provided to other employees if the employee pays the premiums therefor and the insurance policies in effect permit such coverage.

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. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Family and Medical Leave Act of 1993, 29 U.S.C. Sections 2601-2654; 29 CFR Part 825 (2000).

Knapp v. City of North Bend, 83 Or App 350 (1987); rev'd, 304 Or 34(1987).

Cross Reference(s):

ACA - Americans with Disabilities Act