

Malheur Education Service District

Code: **G CBD/GDBD**
Adopted: 9/20/05
Revised/Readopted: 7/15/14; 4/17/18
Orig. Code(s): G CBD/GDBD

Leaves and Absences

Regular attendance is an expectation and a requirement for employment. The Board recognizes that from time to time employees may need to be absent. The following leaves are available for ESD employees.

A “full-time employee” is one who works the equivalent of at least seven hours per day, five days per week, for nine months per year.

Sick Leave

Each full-time ESD employee shall receive 12 days of sick leave for 12 months of employment; 10 days of sick leave each calendar year provided that the employee is employed a minimum of nine months.

Persons employed for a lesser period of time shall have sick leave prorated to the length of period of employment - one day per month per month worked. Leave shall be accounted for to the nearest 1/4 day. Unused sick leave shall accumulate without limit for both licensed and classified employees.

“Sick leave” means absence from duty because of an employee and employee’s extended family’s¹ illness or injury. Sick leave at full pay in excess of five consecutive work days shall be allowed upon certification by the employee’s physician that the illness or injury prevents the employee from working in assigned duty, if requested by the superintendent.

Employees who retire from the ESD shall have their unused sick leave applied to the PERS in accordance with that organization’s requirements.

The ESD reserves the right after an absence of more than five consecutive days 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 which 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 unable to return to work the following August 1 the Board may terminate the teacher’s employment, subject to state and federal law.

¹Extended family includes the employee’s spouse, employee’s children, step children, employee’s parents, parent-in-laws and grandchildren.

Jury Duty

Upon approval of the superintendent, a member of the ESD staff shall be granted a leave with pay for service upon a jury, provided that the salary paid to such employee for the period of leave shall be reduced by the amount of monies paid for jury service excluding travel expenses. An employee may not be required to remit such monies unless a substitute is required during the absence. Any action taken shall be upon approval of the superintendent.

Court Appearances

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 the amount equal to that received by such employee as witness fees, excluding travel expenses. An employee may not be required to remit such monies unless a substitute is required during the period of absence. Any action taken shall be upon approval of the superintendent.

Vacations

Employees on an 11-month basis per school year, or less, shall have the holidays and vacations as they appear on the adopted school calendar. Full-time employees, both licensed and classified, working 12 months yearly, shall have an annual vacation as agreed to in the contract or as follows:

0-5 years	10 working days
6-10 years	15 working days
Over 10 years	20 working days

Employees hired after the beginning of the fiscal year (July 1) for 12 months full-time employment, shall receive one day per month vacation time not to exceed 10 working days for each fiscal year. The superintendent shall approve the time and length of taking such vacation in consideration of workloads and other staff members' absences. Ten days maximum of vacation leave can be brought forth from the preceding year. Vacations shall be scheduled so that work assignments and workloads can be accomplished effectively and efficiently. Leave shall be accounted for to the nearest 1/4 hour.

Personal Leave

Three days of personal leave will be granted to full-time employees who are employed for a period of nine months or longer during one fiscal year. Such leave will be granted for special occasions approved by the superintendent. Personal leave is nontransferable and nonaccumulated. Leave shall be accounted for to the nearest 1/4 hour. All full-time employees may receive a fourth personal day. This conditional personal day can be used when students are not in session.

Bereavement - Emergency Leave

Full-time employees will be allowed three days bereavement leave, plus two days of emergency leave, when authorized by the superintendent.

Unpaid Leave

Unpaid leave may be granted by the superintendent.

Leaves of Absences

Leaves of absence without pay may be granted upon application to and recommendation of the superintendent to the Board, except as provided in Oregon Revised Statute (ORS) 236.040, ORS 408.240 and ORS 652.250.

Transfer of Sick Leave

A transfer of sick leave procedure with guidelines will be developed by the superintendent.

Salary Reduction

Authorized leave without pay shall cause a reduction from the salary, based on the number of contract days of the respective employee.

Factors of Leave Without Pay

Consideration shall be given to length of service, previous record of absence other than personal illness and reason for the absence.

Unexcused Absences

Unexcused absences or failure to follow the adopted policies of the Board regarding leave of may be deemed to be neglect of duty and a breach of contract and may be sufficient grounds for dismissal.

Workman's Compensation

Salary paid to employees as a result of a Workman's Compensation claim shall be reduced by the amount of monies paid by Workman's Compensation as salary benefits.

Maternity Leave

Benefits will be provided in compliance with federal and state laws.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)
[ORS 342.545](#)
[ORS 342.610](#)
[ORS 659A.046](#)

Knapp v. North Bend, 304 Or. 34 (1987).

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2016).

Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (2016).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).

Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2016); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2016).

Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act

GBDA - Mother Friendly Workplace