

Leaves and Absences

Court Appearances

Employees who appear before a court, legislative committee, or other judicial or quasi-judicial body as a 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 fee (excluding travel expenses). An employee who is a plaintiff in a suit against the ESD shall be granted an unpaid leave of absence.

Jury Duty

Any regular employee shall be granted a leave of absence with pay for service upon a jury, provided that the salary paid to such employee for the period of absence shall be reduced by the amount of any monies paid for jury service (excluding travel expenses).

Leaves of Absence without Pay

A regular 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 Oregon Revised Statutes. Sick leave, vacation time, and other employee benefits shall not accrue during the period of the leave.

The following provisions must be adhered to when such leave is used:

1. **Prior Application** - 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, when possible, no later than 60 days prior to the date the leave is to become effective.
2. **Reinstatement Upon Expiration** - 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 during any leave of absence. Except where applicable law requires, seniority rights are not accrued while on leave.
3. **Exceptions** - Employees will 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.

Personal Leave

Up to three days of non-cumulative personal leave may shall be granted by the superintendent per contract year. Personal leave shall be used for legal, business, educational, family matters, or emergency situations,

which cannot be attended to during non-business hours. The following provisions must be adhered to when such leave is used:

The principal or supervisor must be notified in advance of one of the above-listed reasons for taking said leave, except in the case of an emergency.

1. No personal leave may be granted the week before school starts and the first week of school on days immediately before or after a school holiday or vacation period, nor on the opening or closing day of the school year, except in the case of an emergency.
2. The appropriate supervisor must be notified at least two (2) working days in advance of one of the above-listed reasons for taking said leave and must give prior approval before leave may be taken, except in the case of an emergency.
3. In case of an emergency, the employee may verbally notify the immediate supervisor that an emergency situation exists and leave shall be granted. As soon as possible upon returning to duty, the employee shall submit the appropriate form for personal leave, and upon the ESD's receipt personal leave shall be granted.

Bereavement Leave

Employees shall be allowed up to five days leave, with pay, for each death in the employee's immediate family. Employee's immediate family is defined to include spouse, children, including step children, grandchildren, grandparents, including step grandparents, mother, father, brother, sister, spouse's mother and father, aunt, uncle and any person who is a resident of the employee's household.

The superintendent may authorize funeral leave to be utilized in the event of a death of a person not specifically listed above.

Sick Leave

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

This leave will accumulate without limit in accordance with state law. At this time that is 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 will be subject to appropriate disciplinary action up to and including dismissal.

Sickness or other unavoidable circumstances which prevent a licensed employee from working 20 consecutive school days immediately following exhaustion of sick leave accumulated under Oregon Revised Statutes will result in the employee being placed on unpaid leave for the remainder of the school year or until the employee's disability is removed and he/she is able to return to work. If the employee is unable to return to work the following August 1, the Board may terminate the employee's employment.

Upon termination of employment, the employee is not eligible for ESD-paid employee benefits, such as health and dental insurance. The staff member will be informed of his/her right 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 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 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 the employee bargaining unit.

Temporary Disability

Any regular employee, upon application in writing and upon approval from the Superintendent, may obtain temporary disability leave without pay for a period not to exceed one year. Application for temporary disability leave must include the beginning and ending dates of the leave.

Normal Duties Affected

If at any time it is determined by the employee's immediate supervisor or the administrator in charge that a disability, caused by or contributed to a temporary condition or recovery there from, has in any way affected the employee's performance of normal duties, leave shall become effective immediately upon notice to the employee. Consideration shall be given to the recommendation of the attending physician.

END OF POLICY

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).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act Amendments Act of 2008.
GBDA - Mother Friendly Workplace