

## Staff Discretionary/Accrued Sick Leave

### Discretionary Leave

Each full-time employee of the district earns one (1) day of leave per month of employment in which they are scheduled to work more than half of the month. which may be used at the discretion of the employee. Discretionary days will be available at the beginning of the year, but must be earned by the employee's continued employment throughout the year.

Hourly employees with a regularly scheduled job assignment (bus drivers and cooks) will be granted six (6) days each year. Half-time employees will be granted (5) five days each year. Hourly employees will receive (4) four hours at their current hourly rate of pay for each day of leave used.

Employees working a lesser number of hours than stated above will not earn discretionary leave, but will earn sick leave as required by the Colorado Healthy Families and Workplaces Act ("HFWA") at the rate of one (1) hour for every thirty (30) hours worked.

Discretionary leave shall count as sick leave for purposes of compliance with the HFWA. Therefore, without limiting the reasons for which discretionary leave may be taken in accordance with this policy GBGG, such leave may be taken for the following reasons:

1. personal mental or physical illness, injury, or health condition or the need to obtain medical care;
2. the necessary care and attendance for the employee's family member who has a mental or physical illness, injury or health condition or the need to obtain medical care;
3. seeking medical attention or related services if the employee or a member of the employee's family has been the victim of domestic abuse, sexual assault, or harassment;
4. the school in which the employee works has been ordered to close by a public official due to a public health emergency; or
5. the school or childcare provider for the employee's child has been ordered to close by a public official due to a public health emergency and the employee needs to be absent from work to care for their child. If all of a staff member's students are attending remotely and the staff member is working remotely, no leave will be charged.

In the case of a public health emergency declared by national or local public health authorities, full-time staff members regularly scheduled to work 40 hours per week will have immediate access to up to 10 days (80 hours) of supplemental leave for any reason enumerated in C.R.S. § 8-13.3-405(3). Employees who work fewer than 40 hours per week will receive the greater of the number of hours the employee is

scheduled to work in a 14-day period or the average time the employee works in a 14-day period. Accrued Sick Leave (as defined below) must be used first and will be counted towards the available supplemental leave.

When the need for leave under this policy GBGG is foreseeable, the employee shall make a good-faith effort to provide advance notice to their immediate supervisor, and a request to use such leave may be made orally, in writing, or electronically. When possible, the employee shall include the expected duration of the absence and shall make a reasonable effort to schedule the use of such leave in a manner that does not unduly disrupt the operations of the school.

### **Incentive Pay**

The District offers an incentive pay plan to encourage positive attendance. Employees can annually elect to cash out five (5) Discretionary Days at your daily rate if the following requirements are met:

1. An employee must submit written notification to the payroll office by January 1 each year to be able to receive the five (5) days reimbursement in the February pay.
2. An employee must have a minimum of three (3) Discretionary Days, Accrued Sick Leave or a combination of the two left after the cash out to be eligible for the incentive pay.

In addition, at the end of each school year, any unused Discretionary Days will roll over to become Accrued Sick Leave, which may be accumulated to 60 days. Accrued Sick Leave may be used only for the purposes enumerated as reasons 1 through 5 above.

The District recognizes "Family member" to mean:

- a) a person who is related by blood, marriage, civil union, or adoption; or
- b) a child to whom the employee stands in loco parentis; or
- c) a person who stood in loco parentis to the employee when the employee was a minor; or
- d) a person for whom the employee is responsible for providing or arranging health-or-safety-related care.

Any unauthorized day of absence beyond the Discretionary/Accrued Sick Leave benefit is considered absence without leave, and may result in termination of employment. The district has discretion to retroactively authorize such absence in extenuating circumstances; provided that, in the event of such retroactive authorization each day of absence beyond the Discretionary/Accrued Sick Leave benefit, will result in a deduction of one day's salary. Such deduction will be determined by dividing the employee contract salary (for contract employees) by a number equal to the number of days worked during the school year, and for hourly employees by a number equal to the employee's hourly wage multiplied by eight (8).

For an absence of more than a half-day, including the employee's planning period, a full day will be charged to the Discretionary/Accrued Sick Leave allowance. For contract employee an absence of one-half day or less, including the employee's planning period, a charge of one-half day will be made. Hourly employees will be charged leave in increments of one hour. Absence of less than one hour may be approved by the principal or immediate supervisor with no loss of Discretionary/Accrued Sick Leave.

The employee may apply to the Sick Leave Bank for days used over normal sick leave. See policy GBGH, Sick Leave Bank.

In cases not covered by written policy an employee may be granted an emergency leave at the discretion of the superintendent.

In case of absence extending beyond one week because of disability or ailment, a doctor's certificate attesting to the employee's ability to resume duties safely and without injury to health or recurrence of such disability or ailment may be required.

Upon separation from the district, employees will be reimbursed for unused leave that have been earned at the prevailing substitute teacher pay. Adjustments will be made for unearned discretionary days that have been used in the final pay upon separation. To earn a day of leave, the employee must work at least half of the schedule work days in any given month. Hourly employees will be reimbursed at one-half of the prevailing substitute teacher pay.

After an employee accrues 60 days of Sick Leave, all unused days over 60 will be reimbursed at the rate of 100% of the prevailing certified substitute teacher pay. Hourly employees will be reimbursed at one-half of the prevailing substitute teacher pay.

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LEGAL REF.: C.R.S. 14-15-101 *et seq.* (Colorado Civil Union Act)  
CROSS REFS: GBGF, Federally-Mandated Family Leave  
GBGH, Sick Leave Bank