

## ARTICLE 9: LEAVES WITH PAY

### Section A - Sick Leave

1. "Sick leave" means absence from duty because of a professional educator's illness or injury, or for any reason set forth in state or federal law (for example FMLA/OFLA).
2. Each professional educator shall be provided one day of paid sick leave for each month (or major portion, thereof) employed, except that unit members employed for the full school year shall be provided ten (10) days of sick leave per year.
3. Sick leave shall be credited on the first day of service of each contract year.
4. Sick leave not taken shall accumulate for an unlimited number of days.
5. For purposes of transferring in sick leave, the District shall permit a professional educator to transfer up to 75 days of unused accumulated sick leave from other Oregon districts.
6. All professional educators shall be notified in writing on their monthly payroll statement of their use and accumulation of sick leave. Professional educators will be provided a comprehensive end of year statement on use and accumulation of leave.
7. The District agrees that it will report unused accumulated sick leave to PERS as required by law.
8. The District may require verification of illness or injury that prevents a professional educator from working after five (5) consecutive days of absence.
9. Where there is a pattern of use or suspicion of misuse, the District may require medical verification, but will reimburse the professional educator's payment, if any, for the required visit.
10. Accumulated sick leave may be used to make up the difference between the professional educator's regular net, take-home salary and the benefit received under the Oregon Workers Compensation Law (ORS 656.005 (8)). A professional educator's sick leave will be charged for only the prorated portion paid by the District.

### Section B - Sick Leave Bank

1. The purpose of the Sick Leave Bank shall be to provide additional sick leave to eligible and participating professional educators beyond their accrued personal sick leave for their own serious illness or personal injury. **Members may also utilize up to ten (10) days of the sick bank**

**for any FMLA/OFLA qualified situation.** When professional educators are newly hired, they will be given the option to join the sick leave bank by donating ~~one~~ **a minimum of one (1), up to a maximum of three (3),** of their sick days to the bank. Current professional educators who are not yet members may join by donating **one (1) to three (3) day(s)** to the bank during open enrollment, September 1 to November 1 of each year.

2. A joint committee of three (3) members appointed by McEA along with the Human Resources Director will oversee the Sick Leave Bank. The committee will meet as needed to review applications.

3. Only professional educators who donate the aforementioned sick leave to the sick leave bank shall be eligible to receive sick leave bank leave. Such eligible professional educators shall be able to request sick leave bank utilization after they have expended any sick leave they have accrued.

4. The bank is required to have a minimum balance of 450 hours. Should the balance fall below that figure, members will be asked to contribute a **minimum of one** additional day, or portion thereof as determined by the committee, **up to maximum of three (3) days**, to maintain their membership. **If a member wishes to remain in the bank, but has utilized all available sick leave, their membership will be considered in good standing until the start of the next school year when they will be able to utilize one of their days to maintain their membership.** "Day" is defined for the purposes of this paragraph as seven and a half (7 1/2) hours.

### Section C - Family Leave

Professional educators may use any or all of their accumulated sick leave for absence due to family leave that qualifies under FMLA/OFLA, including any FMLA/OFLA time constraints.\* This leave includes:

1. Parental leave during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability (includes leave to complete the legal process required for foster placement or adoption);

2. Serious health condition leave to care for a family member as defined by state and federal leave laws (for example under FMLA/OFLA spouse/domestic partner\*, parent, step-parent, grandparent, child, step-child, grandchild, parent-in-law) with a serious health condition; or,

3. Sick child leave taken to care for the professional educator's child with an illness or injury that requires home care but is not a serious health condition.

~~4. Up to 2 weeks of bereavement leave is allowed for the death of a family member as part of the 12 week annual entitlement.~~

**Section D:**

**A. Bereavement Leave**

1. **Bereavement leave shall be used to attend funerals, to make necessary arrangements, or to grieve the family member.**
2. **Professional educators will be provided up to ~~2 weeks~~ ten (10) days, five (5) of which are paid, of bereavement leave, per death of a family member. Family members include a spouse or domestic partner, professional educator's (or their spouse's/domestic partner's) child, sibling, or parent (or one standing in the place of a child, sibling, or parent of the educator), grandparents and grandchildren, parents-in-law, or any permanent resident of a member's household.** ~~is allowed for the death of a family member~~ **This leave may qualify** as part of the 12 week annual **OFLA or FMLA** entitlement. **The bereavement leave must be completed within sixty (60) days of the notice of death.**
3. **Two (2) days of bereavement leave may be used for the death of a close friend, colleague, or for other family members not noted above.**
4. **The Superintendent or designee may extend paid or unpaid bereavement leave on a case by case basis.**

**Section DE. - Flexible Personal Leave**

1. A maximum of three (3) days of flexible personal leave shall be available to a licensed professional educator for personal matters, legal matters, business matters, bereavement, and/or emergencies. Flexible personal leave days shall be provided with pay, are to be used at the professional educator's discretion, and are non-accumulative. At the end of the fiscal year, each professional educator will be paid \$100 for one unused day; \$300 for two unused days, and \$500 for three unused days pro-rated based on FTE.
2. Additional days of leave may be granted by the superintendent or designee when an emergency arises (including bereavement) and the professional educator has expended all other applicable leaves.

**Section E-F.- Jury Duty Leave**

A professional educator shall be granted leave with pay for service upon a jury, provided, however, that the compensation paid to such a professional educator for the period of leave shall be reduced by the amount of compensation received by the professional educator for such jury service, and upon being excused from jury service during any day a professional educator shall return as soon as practicable to complete the remainder of the regular workday.

Section ~~F~~G - Legal Leave

Whenever a licensed professional educator is subpoenaed as a witness or litigant he/she shall be excused for such appearance and upon being excused from such appearance, he/she shall immediately return to complete his/her assignment for the remainder of the regular workday. Compensation paid to such professional educators shall be reduced by an amount equal to any compensation the professional educator received as witness fees.

Leave identified above does not apply when a professional educator is involved as a litigant in any action wherein the District, its professional educators or agents are defendants, which shall constitute a leave without pay. Professional educators must use personal or unpaid leave to attend to personal, non-work related legal matters.

Section ~~G~~ H.- Military Leave

1. A professional educator shall be granted military leave in accordance with state and federal law.
2. If called into temporary active military service exceeding the available leave period, the professional educator shall be granted unpaid leave for the rest of the active service. The professional educator shall be given the option of continuing District group insurance coverage at the professional educator's expense. When the professional educator returns from active duty, he/she shall return to a position in the District as required by law.