

Policy GCBDA: PROFESSIONAL STAFF SHORT-TERM LEAVES

Status: DRAFT

Original Adopted Date: 04/21/2010 | Last Revised Date: 06/21/2023 | Last Reviewed Date: 06/21/2023

24C UPDATE EXPLANATION

This policy was revised for clarity. It was also amended to more clearly address leaves for part-time employees. Please carefully review the language to ensure it accurately reflects your district's practices. If not, please take the time to modify the policy accordingly.

This policy was also amended to align with the Pregnant Workers Fairness Act (PWFA), a new federal law that requires employers with 15 or more employees to provide accommodations to employees' known physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This obligation exists even if the condition does not rise to the level of a disability. Lactation is obviously one of the physical conditions arising out of pregnancy.

Under the PWFA, it is illegal for an employer to:

1. Not make reasonable accommodations for a pregnant employee experiencing any limitation related to pregnancy or related conditions (a "qualified employee") unless the district can demonstrate that the accommodations would impose an undue hardship on the operation of the district's business;
2. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through an interactive process;
3. Deny employment opportunities to an employee because the employee needs an accommodation;
4. Require a qualified employee to take paid or unpaid leave if another reasonable accommodation can be provided to the known limitations; or
5. Take adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation.

This policy has also been revised to clarify and simplify when employees may use paid leave during extended absences. The limitation to six weeks of paid leave in case of extended absences related to pregnancy has been removed. MSBA initially put that language in the policy to encourage employees who were eligible for FMLA leave to return to work. This is still a worthy policy goal. However, some districts have had difficulty explaining to employees why they are entitled to take time off under the FMLA but they cannot use their accumulated paid leave for the absence. Further, because districts pay employees for unused leave days, some districts prefer that employees use those days. For these reasons, MSBA has altered its standard policy. However, districts may customize this language to meet the needs of the district.

Editor's Note: I noticed a sentence that was in your GDBDA but not your GCBDA, so I copied it to this policy. Let me know if it should not be added here. The sentence is at the end of the third paragraph of this policy: "Seasonal employees and substitutes do not qualify for paid leave."

Consistent contact with students and staff is important to the learning environment and district operation and therefore is an essential duty of a professional staff member's position. However, the Board recognizes that there are circumstances that require an employee to miss work, and the purpose of this policy is to identify situations where paid and unpaid leave from work are appropriate.

To the extent permitted by law, the district may require an employee to provide the district verification of illness from a healthcare provider or supply other documentation verifying the absence before the district applies sick leave or other applicable paid leave to the absence. In accordance with law, the district may require an employee to present a certification of fitness to return to work whenever the employee is absent from work due to the employee's health. This policy does not apply to temporary or substitute ~~staff member~~employees unless otherwise noted.

Full-Time, 12-Month Employees

The following leaves with pay will be provided only to full-time professional ~~staff~~ employees who are employed on a

12-month basis. Regular part-time professional staff employees will receive these leaves on a pro rata basis in proportion to the full-time equivalent (FTE) they are scheduled to work. For example, employees who work .5 FTE will receive half the number of leave days as full-time employees working the same number of months. Seasonal employees and substitutes do not qualify for paid leave.

Sick Leave

Professional staff employees whose assignments call for 12 months of full-time employment (240 days or more) will receive 10 days of sick leave annually. Any 12-month, full-time employee who enters service in the district after July 1 shall be entitled to will receive sick leave prorated based on the remaining days in the employee's work calendar for the year (July 1-June 30) with a maximum of 10 days. Employees entering service after July 1 will have the prorated days applied on the first day of the month following the employee's start date.

Sick leave will be applied in the following manner:

- July 1 – five sick days (50% of the total) will be applied to the employee's leave account.
- January 1 – five sick days (the balance of the total) will be applied to the employee's leave account.

Unused sick leave will be cumulative to 110 sick leave days. Unused sick leave will be credited to each employee's sick leave account on June 30 of each year. Days over 110 credited to an employee's account will be reimbursed in accordance with the following schedule, up to 12 days each year. The reimbursement will be made in July following the close of the fiscal year.

- 1-4 consecutive years of service in the Smithville School District— 45% of regular substitute rate of pay per day
- 5-10 consecutive years of service in the Smithville School District— 55% of regular substitute rate of pay per day
- 11-15 consecutive years of service in the Smithville School District— 65% of regular substitute rate of pay per day
- 16 or more consecutive years of service in the Smithville School District— 75% of regular substitute rate of pay per day

Employees have the option of selling back up to 10 days per year once they have accumulated 60 days.

In addition, when employees leave the district, they will be reimbursed for unused sick leave in accordance with the following schedule:

- 1-4 consecutive years of service in the Smithville School District— 45% of regular substitute rate of pay per day
- 5-10 consecutive years of service in the Smithville School District— 55% of regular substitute rate of pay per day
- 11-15 consecutive years of service in the Smithville School District— 65% of regular substitute rate of pay per day
- 16 or more consecutive years of service in the Smithville School District— 75% of regular substitute rate of pay per day

If the employee leaving the district has not completed the full school year, he or she will be reimbursed for unused sick leave that had been credited to his or her account at the beginning of the fiscal year (June 30) of the last full school year of employment. If the employee completes the full school year, he or she will be reimbursed for unused sick leave credited to his or her account prior to the current fiscal year. Reimbursement will be provided no later than the month following the employee's departure and/or final paycheck, provided all district property has been returned and accounted for. Failure to return district property will result in reimbursement to the district for such property and may be deducted from the employee's final paycheck.

Absences may be charged against sick leave for the following reasons:

- a. Illness, injury, or incapacity of the employee. The Board reserves the right to require a healthcare provider's

certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. The Family and Medical Leave Act (FMLA) health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.

b. Illness, injury, or incapacity of a member of the immediate family. The Board defines "immediate family" to include:

- The employee's spouse.
- The employee's domestic partner. "Domestic partner" is defined as two adults who have chosen to share their lives indefinitely in an exclusive and committed relationship to the same extent as married persons, reside together, and share a mutual obligation of support for the basic necessities of life.
- The following relatives of the employee or the employee's spouse or domestic partner: parents, children, children's spouses or domestic partners, grandparents, grandchildren, siblings, and any other family member residing with the employee.
- Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

(Note: "Family" for FMLA purposes is more limited.)

c. Illness, injury, or incapacity of other relatives, with permission granted by the superintendent.

d. Pregnancy, childbirth, and adoption leave in accordance with this policy and the law.

Staff members/employees who are ill are encouraged/may be required to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave.

An employee's supervisor may request a doctor's note after three consecutive days of illness.

A district employee may not use sick leave during the period the employee receives workers' compensation for time lost to work-related incidents.

Sick leave days will not be reinstated upon re-employment after a previous resignation or termination from the school district.

Any certificated employees who are members of a retirement system shall remain a member during any leave period of leave taken under district sick leave provisions of the district or under workers' compensation. The employees shall also receive creditable service credit for such leave time if they employee makes contributions to the system equal to the amount of contributions that he or she they would have made had he or she they been on active service status.

Personal Leave

A maximum of two days of personal leave will be available per school year. Unused personal leave days accumulate up to, and not to exceed, five days. Once five days have been accrued, additional personal leave days roll over as sick leave. These days are not to be recreational days and must be approved by the employee's supervisor or designee before they are taken. Personal leave will not be granted in the first five or last five school days of the year or on professional development days ("block out days"), except when there are extenuating circumstances and a waiver is granted by human resources. Unused personal leave will be reimbursed in the same manner and to the same extent as unused sick leave subject to the limitations on accumulation in this policy.

Absences may be charged against personal leave for the following reasons:

- a. Tax investigation.
- b. Court appearances, unless applicable law or policy provides for paid leave.
- c. Wedding, graduation, or funeral.

- d. Observance of a religious holiday.
- e. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday or before or after school hours, including parent-teacher conferences.
- f. Absences under leaves authorized by law, policy, or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
- g. Leave for other purposes as approved by the employee's supervisor.

Whenever possible, it is expected that requests for leave will be made in writing to the designated administrator at least 48 hours in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical. The administrator will respond promptly to the employee's written request.

A District employee may not use personal leave days during the period they employee receives Workers' Compensation for time lost to work-related incidents.

Vacation

Staff District employees will receive 10 days of vacation per year and 15 days of vacation upon completing 5 years of service.

Administrators working under a 250-day work calendar will receive 15 vacation days annually.

Administrators working under a 260-day work calendar will receive 20 vacation days annually.

Vacation days will be applied in the following manner:

- July 1— 50% of leave days will be applied to the employee's leave account.
- January 1— The remaining 50% of leave days will be applied to the employee's leave account.

An employee must submit a written request for vacation to the superintendent or designee and receive written authorization before taking vacation days. If the employee's absence may disrupt district operations, the superintendent or designee has the discretion to deny a request for vacation or to limit the time of year the employees may take his or her vacation.

For employees entering or leaving the district and working or having worked less than their assigned work calendar number of days, their vacation is converted on a percentage basis.

Vacation days may accrue up to 30 days; any accumulated days over 30 will roll into sick leave days.

A District employee may not use vacation days during the period the employee receives Workers' Compensation for time lost to work-related incidents.

An employee who leaves the district may qualify for reimbursement of unused vacation leave in accordance with the following schedule:

- 1-4 consecutive years of service in the Smithville School District— 45% of base salary daily rate of pay
- 5-10 consecutive years of service in the Smithville School District— 55% of base salary daily rate of pay
- 11-15 consecutive years of service in the Smithville School District— 65% of base salary daily rate of pay
- 16 or more consecutive years of service in the Smithville School District— 75% of base salary daily rate of pay

An employee who becomes deceased or who qualifies for retirement under either the Public School Retirement System or the Public Education Employee Retirement System will be paid for any accrued vacation days that have not been used by the date of death or retirement. The amount paid will be determined by dividing the total annual salary by the total number of contract days then multiplying the resulting daily rate by the number of unused vacation days.

Less-Than-12-Month Employees

Approved paid leave days (ALD) will be provided only to full-time professional **staff employees** who are employed less than 12 months per year. **Any e**Employees who enters service in the district after the school year has begun shall receive one day of ALD for each full month of school, or major fraction thereof, that remains in the contract year. Employees working less than a full day but at least 20 hours per week and employed on a regular schedule can accumulate leave in proportion to the amount of time the employee is scheduled to work each day. For example, an employee regularly scheduled to work on a one-half time basis shall be allowed 10 one-half days of ALD and shall be allowed to accumulate up to 5 full days of ALD at the end of the year if no ALD is used during the year.

Approved Paid Leave Days

Employees will receive 11 approved paid leave days per year.

No more than five consecutive days may be requested as paid leave unless the absence is an FMLA-qualifying leave or it is intended to extend a leave resulting from the death of an immediate family member, as defined in this policy.

Employees may request the use of ALD for foreseen or unforeseen absences.

Unforeseen Absences – Unforeseen absences are those that cannot be anticipated, such as illness or upcoming events that will occur on an unknown date, such as childbirth. Absences may be charged against ALD for unforeseen absences for the following reasons:

- a. Illness, injury, or incapacity of the employee. The Board reserves the right to require a healthcare provider's certification attesting to the illness or incapacity of the claimant and/or inclusive dates of the employee's incapacitation. FMLA health certification procedures apply to FMLA-qualifying absences, even if such absences are paid sick leave.
- b. Illness, injury, or incapacity of a member of the immediate family. The Board defines "immediate family" to include:
 - The employee's spouse.
 - The employee's domestic partner. "Domestic partner" is defined as two adults who have chosen to share their lives indefinitely in an exclusive and committed relationship to the same extent as married persons, reside together, and share a mutual obligation of support for the basic necessities of life.
 - The following relatives of the employee or the employee's spouse or domestic partner: parents, children, children's spouses or domestic partners, grandparents, grandchildren, siblings, and any other family member residing with the employee.
 - Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.(Note: "Family" for FMLA purposes is more limited.)
- c. Illness, injury, or incapacity of other relatives, with permission granted by the superintendent.
- d. Pregnancy, childbirth, and adoption leave in accordance with this policy.

Staff members Employees who are ill **are encouraged** may be required to stay home to promote healing and reduce the risk of infecting others, especially during a pandemic or other significant health event. In the event of a pandemic or other significant health event, schools may be closed to all staff and students or just students. If schools are closed only to students, staff members are expected to work regular schedules or use appropriate leave. An employee's supervisor may request a doctor's note after three consecutive days of illness.

A d District employees may not use ALD during the period they **employee** receives **W** workers' **C** compensation for time lost to work-related incidents.

ALD accrual will not be reinstated upon re-employment after a previous resignation or termination from the school district.

Any certificated employees who are members of a retirement system shall remain a members during any period of leave period taken under the district's ALD leave provisions of the district or under workers' compensation. The employees shall also receive creditable service credit for such leave time if they employee makes contributions to the system equal to the amount of contributions that he or she they would have made had he or she they been on active service status.

Foreseen Absences – Foreseen absences are those that are going to occur on a specific date in the future and can be planned in advance. Absences may be charged against ALD for foreseen absences for the following reasons:

- a. Tax investigation.
- b. Court appearances, unless applicable law or policy provides for paid leave.
- c. Wedding, graduation, or funeral.
- d. Observance of a religious holiday.
- e. Conducting personal business of such a nature that it cannot be performed on a Saturday, Sunday, or before or after school hours, including parent-teacher conferences.
- f. Absences under leaves authorized by law, policy, or the Board that would otherwise be unpaid including, but not limited to, leave under the FMLA.
- g. Leave for other purposes as approved by the principal.

It is expected that requests for ALD for foreseen absences will be made in writing, on a district form, to the employee's supervisor at least five work days in advance of the time leave is requested. However, 30 days' notice is required by law if the leave qualifies as FMLA leave and such notice is practical.

Approval of ALD is based on the educational effect the total number of absences will have on the site or department and the ability to secure substitutes. When there is a concern that the total number of absences requested may be excessive, requests for ALD will be referred to the human resources (HR) department for a final decision regarding approval.

In general, only absences that are singular, directly related to the employee or an immediate family member and cannot be rescheduled by the employee will be approved. Employees will not be compensated for more than five consecutive work days of leave unless additional paid days have been approved by HR or authorized by law or policy under FMLA.

Staff Employees requiring substitutes may utilize half-day or full-day increments of ALD. A staff member Employees may also elect to find coverage, approved by his or her their supervisor/administrator, from within his or her their own site to cover for less than one-half day. The appropriate adjustment in ALD used will be made by the administrator. Covering staff members who lose a majority of their teacher-directed planning time will be compensated at the approved hourly rate.

A District employees may not use ALD during the period they employee receives workers' compensation for time lost to work-related incidents. ALD shall not be available on the duty day(s) preceding, following, or including the opening or closing days of the school year.

Appeal of Denial of ALD for a Foreseen Absence

If an employee's application for ALD is denied, the employee may file an appeal. To appeal, a written notice of appeal must be submitted to the director of human resources within five days of the denial. The final decision will be made within one work day of receipt of the appeal.

ALD Accumulation and Buyback

Unused ALD will be cumulative to 110 days. Unused ALD will be credited to each employee's ALD account on June 30 of each year. Days over 110 credited to an employee's account will be reimbursed at \$55 per day, up to 12 days each year. The reimbursement will be made in July following the close of the fiscal year.

Employees have the option of selling back up to 10 days per year once they have accumulated 60 days.

In addition, when employees leave the district, they will be reimbursed for unused ALD in accordance with the following schedule:

- 1-4 consecutive years of service in the Smithville School District— 45% of regular substitute rate of pay per day
- 5-10 consecutive years of service in the Smithville School District— 55% of regular substitute rate of pay per day
- 11-15 consecutive years of service in the Smithville School District— 65% of regular substitute rate of pay per day
- 16 or more consecutive years of service in the Smithville School District— 75% of regular substitute rate of pay per day

If the employee leaving the district has not completed the full school year, he or she will be reimbursed for unused ALD credited to his or her account at the beginning of the fiscal year (June 30) of the last full school year of employment. If the employee completes the full school year, he or she will be reimbursed for unused ALD credited to his or her account at the beginning of the current fiscal year.

Reimbursement will be provided no later than the month following the employee's departure and/or final paycheck, provided all district property has been returned and accounted for. Failure to return district property will result in reimbursement to the district for such property and may be deducted from the employee's final paycheck.

All Employees

The following leaves with pay will be provided to all full-time professional ~~staff~~ employees:

1. **Bereavement Leave** – ~~Members of the p~~Professional ~~staff~~employees may be granted a leave of absence upon request when a death in the immediate or extended family requires the ~~staff member~~employee's absence from school. There will be no deduction in salary for a period as long as necessary but not longer than five school days per each bereavement when an ~~staff member~~employee is absent because of the death and funeral of a member of his or her immediate or extended family. For purposes of this policy, the immediate family is defined as the following:

- The employee's spouse or domestic partner.
- The following relatives of the employee or the employee's spouse or domestic partner: parents, children, children's spouses, or domestic partners.

For purposes of this policy, the extended family is defined as the following:

- The employee's, employee's spouse's, or domestic partner's sibling.
- The following relatives of the employee or the employee's spouse or domestic partner: grandparent, grandchild, aunt, uncle, niece, or nephew.
- Any other person over whom the employee has legal guardianship or for whom the employee has power of attorney and is the primary caregiver.

~~This bereavement leave will also be extended to staff upon the death of a domestic partner.~~

Full-time professional employees may use up to one day of personal leave, ALD, or an earned vacation day (if applicable) to attend the funeral of anyone who is not a member of the employee's immediate or extended family or domestic partnership. If no personal leave, ALD, or vacation time is available, the employer's supervisor may grant the employee one day of unpaid leave.

2. **Holidays** – The district will grant paid and unpaid holidays in accordance with the academic calendar adopted by the Board. Holidays may be modified or eliminated as needed when the academic calendar is changed due to inclement weather or for other reasons. Holidays may change from year to year.

3. **Professional Leave** – Employees may be granted professional leave to attend classes or conferences, meet with mentors, or participate in other district-approved professional growth activities. Professional leave is not considered personal leave and must be approved by the superintendent or designee, and arranged well in advance and is not considered personal leave.
4. **Military Leave** – The Board shall grant military leave as required by law. Members of the National Guard or any reserve component of the U.S. Armed Forces who are engaged in the performance of duty or training will be entitled to a leave of absence of 120 hours in any federal fiscal year (October 1 – September 30) without impairment of efficiency rating or loss of time, pay, regular leave, or any other rights or benefits. Employees shall provide the district an official order verifying that they are required to report to duty.
5. **Election Leave** – Any employees who are appointed as to be election judges pursuant to state law may be absent on any election day for the period of time required by the election authority. The employees must notify the district at least 7 days prior to any election in which they employee will serve as an election judge. No employees will not be terminated, disciplined, threatened, or otherwise subjected to adverse action based on their employee's service as an election judges.
6. **Leave to Vote** – Employees who do not have 3 successive hours free from work while the polls are open will be granted a leave period of up to 3 hours to permit the employees 3 successive hours while the polls are open for the purpose of voting. Requests for such leave must be made prior to election day, and the employee's supervisors will designate when during the workday the leave should be taken. Any employee who properly requests leave to vote and uses the leave for that purpose will not be subject to discipline, termination, or loss of wages or salary.
7. **Jury Duty Leave** – An employees will be granted paid leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or time spent actually serving on a jury. An employees will not be terminated, disciplined, threatened, or otherwise subjected to adverse action because of their employee's receipt of or response to a jury summons.
8. **Leave for Court Subpoena** – If the employees who receive a subpoena is directly related to their employee's schoolwork duties, the employee will be released for court appearance without loss of leave. Other court appearances will be deducted from personal leave.
9. **Firefighter Leave** – Employees will be allowed to use personal, vacation, and/or unpaid leave for any time taken to respond to an emergency in the course of performing duties as a volunteer firefighter. For the purposes of this section, "volunteer firefighter" includes members of Missouri-1 Disaster Medical Assistance Team-1, Missouri Task Force One, Urban Search and Rescue Team, or those activated by FEMA in times of national disaster. Employees covered under this section shall not be terminated from employment for joining a volunteer fire department or for being absent from or late to work in order to respond to an emergency. Employees shall make every reasonable effort to notify the principal or supervisor if the employee may be absent from or late to work under this section. Employees are required to provide their supervisors with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency along with the time and date of the emergency.
10. **Crime Victim Leave** – Any employees who is are crime victims, who witnesses a crime, or who has have an immediate family member who is a crime victim will not be required to use vacation, personal, ALD, or sick leave in order to honor a subpoena to testify in a criminal proceeding, attend a criminal proceeding, or participate in the preparation of the criminal proceeding.
11. **Civil Air Patrol Leave** – Any employees who is are members of Civil Air Patrol and has have qualified for a Civil Air Patrol emergency service specialty or who is are certified to fly counternarcotics missions shall be granted unpaid leave to perform Civil Air Patrol emergency service duty or counternarcotics missions without loss of time, regular leave, or any other rights or benefits in accordance with law. The leave is limited to 15 working days in any calendar year but is unlimited when responding to a state- or nationally declared emergency in Missouri. The district may request that the employees be exempted from responding to a specific mission.
12. **Coast Guard Auxiliary Leave** – Employees who are members of the United States Coast Guard Auxiliary will be granted an unpaid leave of absence for periods during which they are engaged in the performance of United States Coast Guard or United States Coast Guard Auxiliary duties, including travel related to such duties, when authorized by the director of auxiliary or other appropriate United States Coast Guard Authority. Such leaves

of absence will be given without loss of time, regular leave, or any other rights or benefits to which such employees would otherwise be entitled. The leave is limited to 15 working days in any calendar year but is unlimited when responding to a state- or nationally declared emergency in Missouri or upon any navigable waterway within or adjacent to the state of Missouri. The district may request that an employee be exempted from responding to a specific mission.

- 13. Victims' Economic Safety and Security Act (VESSA) Leave** – Employees may take unpaid leave in accordance with law for absences related to domestic or sexual violence where an employee, an employee's family member, or a person residing in the employee's household has been the victim of domestic or sexual violence. Leave may be taken intermittently or on a reduced work schedule. Two workweeks of unpaid leave will be available in a 12-month period, except that employees of districts with fewer than 50 employees but at least 20 employees will be limited to one workweek of unpaid leave. Employees may use accumulated paid leave or compensatory time concurrently with unpaid VESSA leave. VESSA leave does not create a right for employees to take unpaid leave that exceeds the amount of unpaid leave time under FMLA. Employees are required to give 48 hours' notice of the need for leave unless such notice is not practicable. The district may require certification of the need for leave, which may include documentation from an entity aiding the victim, a police or court record, or other corroborating evidence. Information provided by the employee in conjunction with the use of this leave will be confidential in accordance with law.

Pregnancy, Childbirth, and Adoption Leave (Maternity/Paternity)

Employees eligible for FMLA leave for the birth, first-year care, adoption, or foster care of a child will have such leave applied in accordance with the FMLA. The district will apply to such absences any applicable paid leave the employee has accrued. Employees whose FMLA leave exceeds their applicable accrued paid leave may use unpaid leave for the remainder of the FMLA absence as allowed by law. These employees may also draw up to 57 days from the district's sick leave bank in accordance with the rules applicable to the bank, but cannot exceed 12 weeks of leave. This section creates no rights extending beyond the contracted period of employment. FMLA certification and recertification procedures apply to FMLA-eligible employees. An employee must notify the district of the need for and anticipated duration of the leave at least 30 days before leave is to begin, if foreseeable. If 30 days' notice is not practical, the employee must give as much notice as possible. A pregnant employee shall continue in the performance of her duties as long as she is able to do so and as long as her ability to perform her duties is not impaired, based on medical opinion.

Employees eligible for FMLA leave for the birth, first-year care, adoption or foster care of a child will have such leave applied in accordance with the FMLA, and will be limited to 12 weeks of leave for this purpose. These employees may apply all available sick, personal, ALD and vacation leave and may draw up to 57 days from the sick leave bank in accordance with the rules applicable to the bank but cannot exceed 12 weeks of leave.

Employees who are not eligible for FMLA leave may take up to six weeks of unpaid leave and use all accumulated sick, personal, ALD, and vacation leave for the birth, first-year care, adoption, or foster care of a child and will be granted additional unpaid leave if a doctor certifies that such leave is necessary because the mother is not released to work, or the child or the mother has a serious health condition. However, the paid and unpaid leave cannot exceed 12 weeks of leave.

Employees who need additional leave or other accommodations for a limitation related to pregnancy, childbirth, or related medical conditions should communicate their need for accommodation to any person who supervises, manages, or directs any of their work, and the district will afford accommodations as required by law. Additional unpaid leave may be an accommodation under the Pregnant Workers' Fairness Act (PWFA) in some circumstances, but the district will not require employees to accept leave as an accommodation without engaging in an interactive process to determine appropriate accommodations.

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Version GCBDA-C.1U.SMV (07/24)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§ 115.102, RSMo.

Description

[State Statute](#)

State References

§ 115.639, RSMo.
§ 168.122, RSMo.
§ 169.595, RSMo.
§ 320.200, RSMo.
§ 41.1000, RSMo.
§ 41.1005, RSMo.
§ 494.460, RSMo.
§ 595.209, RSMo.
§§ 105.270-.271, RSMo.
§§ 285.625-670
§§ 320.330-.339, RSMo.

Federal References

29 C.F.R. § 1604.10
29 U.S.C. §§ 2611-2619
29 U.S.C. § 216(c)
42 U.S.C. §§ 2000d-2000d-7
42 U.S.C. §§ 2000e-1-2000e-17
42 U.S.C. §§ 2000gg-1 – 2000gg-6

Cross References

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