

Leave of Absence

The District provides leave to its employees pursuant to Montana law, collective bargaining agreements and individual contracts. Those employees in paid leave status continue to accrue seniority and are eligible for District benefits. Employees in unpaid leave status do not accrue seniority and may not be eligible for benefits through the District.

Sick Leave and Bereavement Leave

Certified employees will be granted sick leave according to terms of the collective bargaining agreement and/or individual contracts. Administrators shall be granted sick leave pursuant to the terms of their individual contracts. Classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, “sick leave” means a leave of absence, with pay, for an illness suffered by an employee or his or her immediate family. Unless otherwise stated by contract, “immediate family” is defined as is stated in the PEA Agreement. A maximum of three (3) days of accumulated sick leave may be used per year because of death in the immediate family. Bereavement leave longer than five (5) days must be approved by the Board of Trustees.

If the District has established, either through collective bargaining or through policy, a sick leave fund, employees may contribute any portion of the employee's accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund and become eligible to draw upon the fund pursuant to the rules established for the fund.

Personal and Emergency Leave - Leave Without Pay

Certified employees will be granted personal and emergency leave according to the terms of the current collective bargaining agreement (CBA). Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Board. Classified staff will be granted personal and emergency leave according to the terms of the current CBA, or if not covered by a CBA, they may be granted personal and emergency leave under the following circumstances:

- Personal and emergency leave is without pay unless otherwise stated;
- Leave will only be granted in units of half or full hours;
- Notice of at least one week is required for any personal leave of less than one (1) week. Notice of at least one (1) month is required for any personal leave exceeding one (1) week; and
- The Superintendent, with the approval of the Board, has the authority to grant leave without pay for other occasions in his/her sole discretion. During any personal leave of

greater than fifteen (15) days, the employee will not receive fringe benefits. During the leave, the employee may pay the District's portion of any insurance benefit program in order to maintain those benefits, provided such is acceptable to the insurance carrier. Staff using personal leave shall not earn any sick or annual leave credit or any other benefit during the approved leave.

Civic Duties Leave

Employees shall be granted leave for service on a jury, in the Legislature or in response to a subpoena in accordance with state law. The District will notify employees of any reimbursement requirements in the board policies or employee handbook.

Military Leave

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will comply with all federal regulations regarding the employee's return to service following military leave.

Outside Employment (Including Firefighting)

Employees will not accept employment outside of the Poplar School District that constitutes a conflict of interest, interferes with the efficient performance of duties outlined in their respective job descriptions, interferes with the employee's normal working hours, or involves duties which the employee should perform as part of his or her employment. Employees performing outside consultant work or any types of work not job related during normal working hours will be required to get prior approval from the Superintendent and must utilize annual leave.

Vacation Leave

Administrators will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Classified employees will be granted vacation leave pursuant to Montana law. The District, in its sole discretion and/or subject to the terms of the collective bargaining agreement, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

Absence without Leave (AWOL)

An employee shall contact his/her immediate supervisor by the quickest means possible when he or she is going to be late or absent from the assigned job responsibilities. Any unapproved absence constitutes grounds for disciplinary action. An employee accumulating any unapproved absence time, whether consecutive or cumulative, shall be automatically suspended pending recommendation for termination.

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Certified staff must provide substantiated emergency reason for leave and present those reasons to the Superintendent within twenty-four (24) hours of the return to duty. The Superintendent may excuse absences without leave only for life threatening illness, injury or bereavement in the immediate family. If absent without leave is not requested within twenty-four (24) hours of the return to duty, the leave will constitute a violation of Board policy and the employee will be recommended for termination.

Classified staff will comply with the terms stated in the current collective bargaining agreement regarding absences without leave.

Legal References:

§ 2-18-601, MCA

§ 2-18-611, MCA

§ 2-18-617, MCA

§ 2-18-618, MCA

§ 2-18-619, MCA

§ 2-18-620, MCA

2.21.222, ARM

Definitions

Annual vacation leave

Accumulation of leave -- cash for
unused -- transfer

Sick Leave

Jury duty -- service as witness

Mandatory leave for employees
holding public office -- return
requirements

Calculating Annual Vacation Leave
Credits

Policy History:

Adopted on:

Revised on: 11 July 2016

**Poplar School District
Administrative Regulation**

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Sick Leave and Bereavement Leave

Employees who must be absent should inform their immediate supervisor as soon as possible but no later than the start of the scheduled shift each day. Medical documentation for an illness-related absence lasting four or more days must be obtained and turned into the employee's supervisor, which in turn is forwarded to the payroll clerk, prior to the start of the next shift.

Sick Leave

Certified employees will be granted discretionary leave according to terms of the master contract. Administrators and classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, "sick leave" means a leave of absence, with pay, for an illness suffered by an employee or a member of the employee's immediate family. "Immediate family" is defined as in the PEA Master Agreement shall mean the employee's spouse, children or parent (does not include parents in-law), grandchildren with a serious health condition for which the employee is needed to provide care, or custodial grandchildren.

Bereavement Leave

A certified employee who has a death in the family is eligible for up to 5 days of paid leave according to the terms of the master contract, which the Superintendent has the authority to approve. All other employees may be granted bereavement leave in accordance with district policy and their individual contracts. Employees seeking more than 5 days of bereavement leave must apply for that leave through the Superintendent. The Superintendent may grant additional, unpaid leave at his/her discretion. For the purposes of bereavement leave, "family" is defined as the employee's spouse, child, parents/guardians, sibling, grandparents and spouse's like relations.

Classified Sick Leave Bank (Fund)

Employees may transfer a portion of their accumulated sick leave to another employee to use. The maximum amount of sick leave an employee can receive is 40 days from July 1 to June 30 in any given school year. The use of such sick leave by an employee is subject to the following limitations:

- a. The receiving employee:
 1. Is qualified for sick leave benefits (MCA 2-18-618)
 2. Has a serious health condition and has been on a medical leave of absence for a minimum of ten (10) working days. Donated leave shall not be accessible to the recipient until the 11th consecutive working day
 3. Must submit appropriate medical documentation for leave beyond the 10th day (physician's letter provided by the attending physician or certified/licensed provider)

4. Has exhausted all accrued sick leave, personal days, and vacation leave;
5. Receives approval from supervisor for leave of absence
- b. The contributing employee(s) request, in writing, that sick leave credits be transferred to the disabled employee;
- c. No employee shall be allowed to transfer more than 50% of his/her sick leave credits to another employee;
- d. Once the sick leave credits are transferred, they are considered forfeited and must be re-accrued in the established manner;
- e. No employee or official shall request an employee to transfer his/her sick leave credits to another employee; and
- f. No employee shall coerce, intimidate or in any manner attempt to persuade another employee to transfer his/her sick leave credits to a disabled employee. Violation shall result in disciplinary action.

Individuals in a collective bargaining unit with established procedures for donation of sick leave will not be allowed to receive or donate to an individual outside of the bargaining unit.

Administrative Leave Bank

Certified Administrators may transfer a portion of their accumulated sick leave to another administrator to use. The maximum amount of sick leave an administrator can receive is XX days from July 1 to June 30 in any given school year. The use of such sick leave by an administrator is subject to the following limitations:

- a. The receiving administrator:
 1. Is qualified for sick leave benefits via BP 5321
 2. Has a serious health condition and has been on a medical leave of absence requiring additional sick leave days in order to recover from a major illness or injury
 3. Must submit appropriate request in writing to the superintendent for the number of days/hours requested accompanied by documentation of major illness or injury
 4. Has exhausted all accrued sick leave and personal days
 5. Receives approval from supervisor for leave of absence
- b. The contributing administrator(s) request, in writing, that sick leave credits be transferred to the disabled employee
- c. No administrator shall be allowed to transfer more than 50% of his/her sick leave credits to another administrator
- d. Once the sick leave credits are transferred, they are considered forfeited and must be re-accrued in the established manner
- e. No administrator or official shall request an administrator to transfer his/her sick leave credits to another administrator
- f. No administrator shall coerce, intimidate or in any manner attempt to persuade another employee to transfer his/her sick leave credits to a disabled employee. Violation shall result in disciplinary action.

Board review: 10/22/07 and 11/12/07

Revisions: 9/23/2020

Revisions: 5/11/2020, 6/11/2012, 8/16/2022