**ARTICLE XI**

**Leave Provisions**

Leave is permission, granted in advance by the Board, for a professional employee to be absent from their duties for a specific period of time with the right of returning to employment upon expiration of the leave under the leave provisions of the Agreement. The professional employee ~~must~~ may be asked to supply a reason for the leave request. With the exception of military leave, all types of leave are granted at the discretion of the Board. An application must make clear an acceptable purpose (except Personal Leave with Pay) for which the leave will be used before approval will be granted. Leave must be officially granted in advance and may not be granted retroactively.

Sick leave and personal leave for verified emergency purposes as defined in this Agreement are to be granted in advance if the professional employee properly notifies their administrator and submits a completed request form to the proper authority promptly on the day of return to work.

All requests for leave must be ~~signed~~ submitted by the professional employee, recommended by the appropriate administrator, and approved by the Superintendent under the authority granted by the School Board. Specific leave may be refused if the professional employee's absence would cause undue hardship or interruption of vital school services. Teachers will submit leave in the appropriate system for obtaining a substitute; however, securing a substitute shall not be a requirement for leave to be approved.

Employees returning from a leave of absence will be placed in the first available vacant position at their current salary for which they are qualified not to exceed two (2) months from the professional employee’s written notice to return to work and physician’s clearance if the employee was on a medical leave. Employees will return the following school year to the school where they were assigned at the time leave was granted. Employees who use leave at a rate greater than it is earned, on an annual basis, will be considered to be *Excessive Leave Users.* The district reserves the right to request confirmation (i.e., doctors note, obituary) of leave used after the leave goes beyond that earned on an annual basis. The documentation will be at the employee’s expense.

Employees who have an identified pattern of absences (5 undocumented days beyond the number of days awarded per year) or have an excessive number of absences in one school year shall be considered a *Habitual Abusers of Leave* if employees:

1. Cannot produce documentation (after the number of days awarded in one year) which would allow the leave to be considered approved leave,
2. Have been counseled by supervisor at least once after the number of days awarded in one year, and
3. Have received a written discipline letter indicating their behavior will be identified as a *Habitual Abuser of Leave* if a future absence is not documented.

Clarification statement to the definition of “Habitual Abuser of Leave”: any day which is documented by a doctor’s note or other official documentation is not counted as a day towards abusive designation after the first day beyond the amount awarded in one year.

If an employee requests and is awarded a leave or takes a sick or emergency leave (as these are not requested in advance) and the employee is found to be fraudulent in the request, it is considered *Misuse of Leave*.

Employees may be disciplined up to and including termination for being a *Habitual Abuser of Leave* or for *Misuse of Leave*. These violations will be considered *Just Cause* for termination.

A. Leave with Pay

Leave with pay will accrue and be used on an hourly basis. Leave hours will accrue based upon the regularly scheduled workday and can be used in minimums of one (1) hour. [Note: This article does not change the intent of the language in Article VI, paragraph R.] The following leaves with pay may be granted by the Board under the conditions outlined in this Agreement:

* Sick Leave
* Military Leave (Annual Training)
* Jury Duty
* Emergency Leave
* Personal Leave
* Religious Observance
* Bereavement Leave

1. Sick Leave

Full-time professional employees earn sick leave at the rate of one (1) day per month of full time employment. Four (4) days are granted as of the first day of employment of each contract year and one (1) additional day is earned for each month of employment until the number equals the months of full-time employment per year. There is no limit to the number of days of sick leave that can be accumulated.

Sick leave may be used only when necessary and the professional employee is unable to perform their duty because of personal illness injury, pregnancy, maternity, or because of illness or death of father, mother, brother, sister, husband, wife, child or other close relative, or member of their own household. Sick leave may be used for well-care medical visits. ~~The professional employee shall notify their immediate supervisor if possible before the opening of school on the day on which he/she they must be absent, except for emergency reasons recognized by the Board as valid. The professional employee must notify their immediate supervisor during the day prior to return to duty station when he/she they will return. Failure to do so will result in the professional employee being charged with an additional day of leave. On the date of return to work, the professional employee shall file a written statement to their immediate supervisor which will set forth the day or days absent and reason for such absence.~~ Sick leave days must be substantiated by a physician's statement, if requested by the Superintendent or their representative; in such case, the Board will designate a physician and pay the cost of this service.

Professional employees are responsible for requesting that accumulated sick leave earned in another county be transferred to St. Johns County. Transferred sick leave will be posted on the record of the professional employee at a maximum of one (1) day per month of employment, after the first four (4) days credit.

1. Military Leave (Annual Training)

A professional employee in the National Guard or active reserve, who participates in required "annual Military training" shall, if possible, schedule their period of training after the end of the professional employee's school year and before the beginning of the next professional employee's school year.

When such duty must be performed during the school year, the district will follow State and Federal laws in relation to leave, pay and return to assignment provided that a copy of orders and written evidence that an effort was made to serve the duty at the time when the professional employee was not on duty for the Board.

3. Jury Duty

A professional employee who is required to serve as a juror or is subpoenaed as a witness at times when under contract for full time, regular scheduled duty for the Board, will be granted paid leave upon proper documentation and application; provided that if released from jury duty for any portion of the workday, the employee is expected to report for work.

4. Emergency Leave

A professional employee may be granted up to two (2) days of personal leave for emergency purposes that requires the professional employee to be absent from their assignment and for which no other applicable leave is legally available, each year. Emergency leave must be requested and approved by the Board on an individual basis. Approved emergency leave will be deducted from the employee's accrued sick leave and is non-cumulative and will not be counted against the allowed six (6) personal days.

5. Personal (With Pay)

A professional employee may be granted up to six (6) days of personal leave with pay each year. Personal leave with pay must be requested and approved by the Board on an individual basis. Personal leave prior to or following an employee holiday or the first or last day of the professional employee's school year, must be requested five (5) days in advance. Approved personal leave will be deducted from the employee's accrued sick leave and is non-cumulative.

1. Religious Observance

Professional employees of any faith who are scheduled to work on observed religious holidays may request, in writing, and shall be granted leave (up to ~~2~~ three (3) days per school year) based on notification of their principal and approval by the superintendent. ~~The professional employee will make up the time as mutually agreed by the principal and the professional employee during student contact time (i.e., after school remediation programs, etc.).~~

7. Bereavement Leave

Any professional employee ~~who has utilized all of their regular leave (zero sick leave balance)~~ will be granted ~~three (3)~~ five (5) days of bereavement leave per contract year due to a death in their immediate family or a parent who suffers a miscarriage. Bereavement leave days do not have to be taken consecutively.

Immediate family is defined as father, mother, brother, sister, spouse, child, (or their in-law or step relative counterpart) or other close relative, or member of their own household.

The District may require proof of death within thirty (30) days after Bereavement Leave is taken. A copy of the newspaper or online obituary or the funeral card/program for the deceased are examples of acceptable proof of death.

~~Employees will not accrue a negative leave balance because of bereavement leave~~. These days will not be charged against the employee’s sick or personal leave. Bereavement leave days are non-accruable. Employees will not be paid for bereavement leave on days not scheduled to work.

1. Wellness Leave

Professional employees may submit leave for one (1) hour of Temporary Duty Elsewhere (TDE) for the purpose of completing their Biometric Screening portion of the Health Risk Assessment.

B. Leave without Pay

The following leaves without pay may be granted by the Board under the conditions outlined in this Agreement. No leave without pay will be granted until the employee has exhausted all accrued leave time. No leave is granted beyond the school year in which approved by the Board unless specifically approved and extended by the Board:

* + Medical Leave (not covered under Sick Leave)
  + Personal Leave
  + Child Rearing Leave
  + Sabbatical (or Professional Improvement Leave)
  + Political leave
  + Military Leave

All other requests for leave without pay, except emergency and medical, shall be submitted thirty (30) days prior to the effective date and must coincide with the end of the semester. Variance to this will be allowed only by approval of the Board.

When leave without pay is granted for a period in excess of thirty (30) days, a professional employee granted this extended leave without pay shall not return to duty unless a vacancy exists for which they are qualified. A vacancy is defined as an unfilled position for which applicants are being considered. The professional employee must notify the Superintendent, in writing, of their request to return to duty at the termination of the leave and no later than April 15, preceding the new school year, file this request for reassignment. Although the Board does not guarantee the same position when returning to work from extended leave, the individual meeting the above requirements will be entitled to the first available vacancy for which they are qualified. All employees on leave shall be notified by the Human Resources Department in writing by April 1, of their need to submit a letter of intent by April 15.

* 1. Medical (not covered under Sick Leave)

The Board may grant, at its option, requests for unpaid leave of professional employee for up to one (1) year due to extended illness, disability, accident, or maternity. Leave request must state reason and time period to be covered by requested leave. The professional employee shall notify the Superintendent/designee in writing of the request for leave and, except in case of emergency, shall give such notice at least thirty (30) days prior to the day on which requested leave is to begin. The Board may request a physician's statement regarding need for medical leave. Extension of this leave may be granted only by Board approval with justified reasons. An employee returning from medical leave may be required by the Board to provide a doctor's release before returning to work.

* 1. Personal (Without Pay)

Leave request must state reason and time period to be covered by requested leave. Leave requests for unpaid leave for personal reasons may be granted at the option of the Board for a period of up to thirty (30) days.

* 1. Child Rearing Leave

A professional employee adopting a child or a parent of a newborn (newborn is considered less than 3 months of age at the beginning of the leave) shall be entitled upon request to a leave for up to one (1) year to commence after receiving or birth of child or prior to receiving such custody if necessary in order to fulfill the requirements for adoption, within limits stated in this Agreement.

1. Sabbatical (or Professional Improvement Leave)

Sabbatical or professional improvement leave may be granted at the option of the Board for up to one (1) year and shall be for (a) engaging in study in an accredited university; (b) teaching in foreign or military programs; or (c) participating in exchange teaching programs in other school districts, states, territories, or countries.

1. Political Leave

Political leave may be granted for up to one (l) year and shall be for the purpose to campaign for office or serve in the state legislature, national congress or Association office.

1. Military Leave

Military leave shall be granted for the purpose of entering the active military service. The Board shall employ the professional employee returning from military leave to the first available vacant position for which they are qualified not to exceed six (6) months from the professional employee's written notice to return to the district.

C. Other Leave:

1. Workers Compensation

The district will comply with rules, procedures, and provisions under Florida Workers Compensation laws.

1. Family and Medical Leave Act
   1. it is the intent of the School Board and the Association to comply with the provisions of the Family and Medical Leave Act. If any provisions of the contract are in conflict with the Family and Medical Leave Act, they will be void.
   2. This leave provision is not intended to limit or reduce leaves provided under other terms of this contract.
   3. In the event that five or more consecutive sick leave days are necessary, or the employee is out sick on unpaid leave, the employee’s leave may be classified under the Family and Medical Leave Acts (FMLA) if determined eligible by the Human Resources Department.
   4. If an employee has leave time when FMLA is awarded, the employee must use the leave congruently with FMLA leave.