



Book	Policy Manual
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3430.03 - **SICK LEAVE (COMPASSIONATE LEAVE)**

Instructional staff members who are employed full time shall earn one (1) day of paid sick leave for each full month of employment. Sick leave may not be used before it is earned and credited.

A. Accrual

1. Four (4) days of earned sick leave credit shall be annually advanced at the end of the first month of employment of each contract year, and one (1) day of sick leave will be advanced at the end of each successive month of employment. However, each employee is entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment.
2. An employee who is in an active pay status, including leave with pay, shall earn sick leave for each month in which s/he receives pay for one (1) day more than half the number of work days during that month.
3. An employee who is on leave without pay during a month shall earn sick leave for that month if s/he has worked one (1) day more than half the number of work days during that month.
4. If the employee terminates his or her employment and has not accrued the four (4) days of sick leave available to him/her, the School Board may withhold the average daily amount for the days of sick leave used but unearned by the employee.
5. Sick leave shall be cumulative from year to year.

B. Use

1. An employee taking sick leave shall notify the appropriate supervisor and file a leave request before beginning the leave, if possible. In an emergency, the leave request may be filed immediately following return to duty.
2. Sick leave shall be in increments of one-half (1/2) or full days, and may be taken for the following reasons:
 - a. when the employee is unable to perform his/her duty in the school on account of personal sickness, accident, disability, or extended personal illness, and consequently has to be absent from his/her work;
 - b. for the illness or death of the employee's spouse, child, father, mother, brother, sister, other close relative, or member of the employee's own household;
 - c. as personal leave with pay for up to six (6) days per fiscal year.

C. Transfer

1. From Other Public Schools

Sick leave may be transferred from other public schools in Florida funded through the Florida Education Finance Program. Transferred days may only be credited in a number equal to the number of days earned in this District.

2. From Department of Children and Family Services (DCF)

Educational personnel in DCF residential care facilities who are employed by the School Board under the provisions of F.S. 402.22(1)(d) may request, and the School Board shall accept, a lump sum transfer of accumulated sick leave for such person employed by the School Board in a position that is eligible to accrue sick leave under policies of the School Board.

3. Effective for employees hired on or after June 30, 2011, sick leave accrued and transferred in from another qualifying employer under F.S. 1012.61(2)(a)1 shall be brought in for purposes of sick leave only, and not for purposes of terminal pay for accumulated sick leave. Any sick or personal leave taken by an employee shall be charged first against leave earned in the District until exhausted and then against leave brought in from outside the District from another qualifying employer under F.S. 1012.61(2)(a)1 until exhausted.

4. To Family Members

An employee may authorize transfer of accrued sick leave to his/her spouse, child, parent, or sibling, who is also a District employee, provided that the transfer relates to one of the reasons set forth in Paragraph (B)(2) herein.

The personnel administrator approving the leave may require documentation of the recipient's relationship to the authorizing employee.

(F.S. 1012.61(2)(e)1)

5. To Other School Board Employees

An employee may donate (i.e. authorize transfer of) his/her accrued sick leave to another School Board employee, provided that the transfer relates to one of the reasons set forth in Paragraph (B)(2) (a) and (b) herein. The authorizing employee must retain at least five (5) days of sick leave, as of the time of donation under this policy.

The recipient must provide documentation from the treating physician of the illness, accident, or injury for which leave is needed.

The recipient must anticipate the need for at least ten (10) days of sick leave in order to receive transfers under this policy.

Any transferred sick leave that is not used as anticipated shall be returned to the authorizing administrator, upon the recipient's return to work. In the case of multiple donors, the unused leave will be returned pro-rata to each donor.

The person receiving the transfer may not use the donated sick leave until s/he has exhausted all of his/her own accrued sick leave, excluding sick leave from a sick leave bank, if the recipient participated in a sick leave bank.

Donated sick leave shall have no value for terminal pay.

(F.S. 1012.61(2)(e)2)

D. Terminal Pay for Sick Leave

1. Employees hired on or before June 30, 2011 shall be entitled to receive pay for accumulated sick leave upon retirement, resignation, or death as follows:
 - a. After ten (10) years of service, the daily rate of pay multiplied by fifty percent (50%); or
 - b. After fifteen (15) years of service, the daily rate of pay multiplied by one hundred percent (100%).
2. Employees hired after July 1, 2011, shall be entitled to receive pay for accumulated sick leave established within the District upon retirement, resignation, or death as follows: after fifteen (15) years of service, the daily rate of pay multiplied by fifty percent (50%).
3. Employees qualifying for the above terminal pay for sick leave must retire or resign at the end of the school year and give ninety (90) days prior notice. The Superintendent may waive these requirements.

E. Sick Leave Bank

A sick leave bank shall be established for optional participation by qualified full-time employees. However, no employee may be a member of more than one (1) sick leave bank. The following criteria will govern the creation, maintenance, and termination of the bank.

1. Membership

Employees who desire to become members of the sick leave bank must:

- a. have been employed by the District for at least one (1) full calendar year;
- b. hold at least six (6) days of accrued sick leave; and
- c. donate one (1) day of accrued leave to the sick leave bank within thirty (30) days after official School Board approval. Application forms shall be available in the Department of Human Resources' office.

Current members will be required to donate one day of newly accrued sick leave to the bank on September 1st of each year, unless the bank has accumulated 1,000 days or more. In that instance, current members will NOT be required to donate a day. Members who fail to donate a day annually shall lose their membership status. An annual written report regarding the status and administration of the bank will be submitted to the School Board.

2. Access

- a. A member wishing to draw from the sick leave bank must have exhausted all accrued sick leave and been absent for fifteen (15) consecutive work days.
- b. Any leave drawn from the bank must be used for the employee's personal illness, accident, or injury. Such conditions must be catastrophic in nature. The condition, or knowledge of such condition, must initially occur after the donation date of the one (1) day sick leave.
- c. An employee who is on illness-in-the-line-of-duty leave, worker's compensation, or other School Board approved leave is not eligible to draw days from the bank.
- d. To qualify for access to the days in the bank, the member must completely fill out the sick leave bank withdrawal form and supply the required documentation. Required documentation and approval procedures shall be determined by the Superintendent and shall include minimally a doctor's letter certifying the

condition necessitating the employee's absence from work and inability to perform duties as assigned.

- e. A member may draw a maximum of forty (40) days from the bank per qualifying accident, illness, or injury. A member may not draw from the sick leave bank again for the same or a related injury or illness. After using forty (40) days from the sick leave bank, an employee may not withdraw again until the employee has worked for ninety (90) working days.
- f. The Superintendent, or designee, shall investigate all applications and request all information necessary to make a decision. The Superintendent shall make the final decision regarding the applicant's eligibility.

3. Participation Abuse

The Superintendent, or designee, shall investigate all cases of alleged abuse of the sick leave bank. If an employee is found to have abused the use of the sick leave bank, that employee shall repay all of the sick leave credit drawn from the bank and be subject to such other disciplinary actions as determined by the School Board.

4. Withdrawal from Pool

A participating employee who chooses to no longer participate in the sick leave bank shall not be eligible to withdraw any sick leave already contributed to the bank.

5. Termination

If the sick leave bank is terminated for any reason, the balance of days in the account shall be equally distributed into the individual accounts of the current members. However, no employee may receive more sick leave credit than the employee transferred into the bank.

6. Hold Harmless

Members of the sick leave bank shall indemnify and save the School Board harmless against and from any and all claims, demands, suits, or other forms of liability that may arise out of or by reason of action taken, or not taken, by the School Board for the purpose of granting this procedure for employees to use this sick leave bank.

Instructional staff who are in the collective bargaining unit should refer to the applicable collective bargaining agreement for provisions about this sick leave bank.

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