

# BRADFORD AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: SICK LEAVE

ADOPTED: December 13, 1993

REVISED: November 10, 2008

434. SICK LEAVE	
<p>1. Authority SC 1153, 1154</p> <p>SC 1153, 1154 25 Pa. Cmwlth. 419, 360 A.2d 310 (1976) 162 Pa. Cmwlth. 644, 639 A.2d 974 (1994) 108 Pa. Cmwlth. 83, 529 A.2d 71 (1987) HIPAA Act (1996)</p>	<p>In any school year, a professional employee or temporary professional employee will receive from the school district the full salary for each day of absence to which the employee may be entitled whenever the said employee is prevented by illness or accidental injury from fulfilling his/her professional duties and responsibilities. Said employee will receive no less than the minimum sick leave provided under law if the employee works the full school year, up to ten (10) days annually, which will be cumulative.</p> <p>The Board reserves the right to require of any employee claiming sick leave pay sufficient proof as outlined in the collective bargaining agreement and the Public School Code of 1949 as amended, including a physician's certification of the employee's illness or disability. Said document must certify that said employee was/is unable to perform his/her duties during the period of absence for which compensation is required to be paid. When a physician's certification is required as per the collective bargaining agreement, said physician must be provided with a copy of the job description so it can be determined if the employee can work with accommodations. Said document will be kept in the strictest confidence.</p> <p>The Board also may consider the application of any eligible employee for an extension of an unpaid leave of absence, pursuant to law or collective bargaining agreement where applicable, when the employee's own accumulated sick leave is exhausted.</p>
<p>2. Delegation of Responsibility</p>	<p>The Superintendent or designee shall be responsible for developing and implementing administrative guidelines and practices in accordance with this policy of the Board.</p>
<p>3. Definition</p>	<p><b>Sick leave</b> is defined as paid leave to which the employee is entitled because illness or accidental injury prevents him/her from working. Sick leave also is defined as paid leave for necessary medical appointments that cannot be scheduled during non-working hours.</p>

<p>4. Guidelines</p> <p>Pol. 417</p> <p>SC 1154</p> <p>Title 22 Sec. 235.1 et seq 65 P.S. 1101.1</p> <p>SC 1154 Pa. Cmwlth. 83 529 A.2d 71 29 U.S.C. Sec. 2601 et seq Pol. 435</p>	<p>Sick leave is not interchangeable with other forms of leave. Employees who wish to be absent for personal business, vacation, or family responsibilities are not prevented by illness or accidental injury from working; and therefore are not entitled to paid sick leave.</p> <p>The misuse of sick leave shall be considered a serious infraction and subject to progressive disciplinary action, up to and including termination of employment. <b>Misused sick leave</b> is defined as being absent from work and providing an untruthful reason for the absence, or being absent from work and capable of performing that work.</p> <p>Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, or has engaged in any activity which would raise doubts regarding the validity of the sick leave request.</p> <p><u>Professional And District Responsibilities</u></p> <p>The primary responsibilities for good attendance lie with the employee and the employer. Each employee is encouraged to maintain good health standards, take precautions against illness and accidents, postpone elective procedures to non-work periods, and avoid circumstances from keeping him/her away from work. Professional employees, who are capable, have the responsibility that lesson plans, grades and other instructional information are available to a substitute teacher in his/her absence. With the exception of serious emotional, physical or mental impairment, the employee should be able to contribute positively to the education of children. The district, in turn, is responsible for maintaining facilities, cleanliness, temperatures and health standards conducive to the good health of employees.</p> <p><u>Family Illness</u></p> <p>There is no provision in Section 1154 of the School Code permitting or requiring paid sick leave for employees to care for ill relatives. However, the Board, recognizing that family illnesses often are unplanned and unexpected, will allow up to fifteen (15) days per school year from the total accumulated leave to allow employees to care for a member of their <b>immediate family</b>, defined as child, spouse, parent, legal dependent living at home, or other human member of the immediate household. For purpose of recordkeeping, the immediate supervisor must be notified of the nature of family emergency and the absence should be recorded and counted as family illness.</p>
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	<p>Employees requesting more than fifteen (15) family illness days in a school year may only be granted an extension with authorization by the Superintendent for extraordinary circumstances. The Superintendent will provide his/her decision in writing to the employee. Employees coping with family emergencies also will be advised of the availability of up to twelve (12) weeks of unpaid leave under the provisions of the Family and Medical Leave Act of 1993. Employees who may not be eligible for family illness days, may be eligible for unpaid FLMA leave if they meet FMLA guidelines.</p>
<p>SC 1154 Pa. Cmwlth. 83 529 A.2d 71</p>	<p>Use of three (3) or more consecutive family illness days will require the employee to provide a physician's notes for the ill family member. Also, the employee may be required to document that s/he is clearly responsible for the care of the family member.</p> <p><u>Proration Of Sick Leave</u></p>
<p>SC 1154</p>	<p>Section 1154 of the School Code contains no language that ten (10) sick days be credited absolutely to an employee on the first day of school. Sick leave is cumulative; meaning that accumulated sick leave at the end of one school year is credited to the following school year. The provision of ten (10) sick days is contingent on the employee working for the full school year. Therefore, no sick leave will be credited to an employee who does not return to service; and employees who work a partial school year will receive sick leave on a prorated basis - one (1) sick day for each month worked.</p> <p>In accordance with the collective bargaining agreement, teachers will be credited ten (10) sick days at the beginning of the school year with the assumption that they will complete the school year.</p> <p><u>Sick Leave Severance Payments</u></p> <p>When collective bargaining agreements provide severance payments for accumulated, unused sick leave, sick leave will begin to accumulate on September 1st for 10-month employees and on July 1st for 12-month employees.</p> <p><u>Long-Term Substitutes</u></p> <p>Eligibility for sick leave for long-term substitutes will be in conformance with the provisions of the collective bargaining agreement.</p> <p><u>Maternity Disability Leave</u></p>
<p>Pregnancy</p>	<p><b>Maternity disability leave</b> is defined as the period of disability recommended by</p>

<p>Discrimination Act (1978)</p>	<p>the physician or health care provider (if applicable) for an employee after the employee undergoes childbirth (normally six (6) to eight (8) weeks, depending on the type of delivery and the physician's or health care provider's recommendations).</p>
<p>HIPAA Act (1996)</p>	<p>The intent of this provision is to ensure that employees disabled due to childbirth or related complications or conditions are treated the same, for purposes of leaves of absence, as all other employees who are temporarily disabled from work. Therefore, the employee is eligible to utilize sick leave for the duration of the disability period prescribed by the physician or health care provider.</p> <p>If a physician or health care provider (if applicable) also certifies in writing that an employee is disabled (unable to work) prior to childbirth, said employee also may utilize sick leave for this disability period. The district also reserves the right to obtain a second opinion.</p>
<p>29 U.S.C. Sec. 2601 et seq Pol. 435</p> <p>Pol. 439</p>	<p>Eligibility for and use of Family and Medical Leave during the maternity leave period will commence after the date of childbirth or prior to childbirth if the physician certifies the employee as being disabled and run concurrently with said employees sick leave during the certified disability period.</p> <p><b>Childrearing leave</b>, defined as unpaid leave during which the employee cares for the new child, after the period of disability has ended, is not a period of disability. Therefore, sick days may not be utilized for childrearing leave.</p> <p>Employees planning to utilize maternity, disability, Family and Medical Leave and childrearing leave will be encouraged to make an appointment with the Director of Human Resources prior to childbirth to plan the leave period, in advance.</p> <p><u>Requests For Documentation And Certification</u></p>
<p>SC 1154 HIPAA Act (1996)</p>	<p>The Board reserves the right to request certification from the employee's physician that the employee was/is unable to perform his/her duties because of illness, disability or accidental injury, according to the following guidelines:</p> <ol style="list-style-type: none"> <li>1. The immediate supervisor may request certification from a physician after an employee is absent for four (4) or more continuous days unless there is reasonable cause to expect abuse. If the employee is unable to return to service within aforesaid time periods, physician's certificate must be mailed to supervisor. Physician's certificate must include expected date of return to service (subject to change) and whether said employee can work with accommodations.</li> <li>2. The Superintendent or designee may request additional information in writing from an employee's physician as outlined in the collective bargaining agreement:</li> </ol>

<p>HIPAA Act (1996)</p> <p>Pol. 439</p> <p>SC 1154</p>	<p>a. The likely duration of the illness or disability.</p> <p>b. The physician's recommendation when the employee will return to service.</p> <p>3. The Superintendent or designee also may request Certification of Health Care Provider Concerning Return to Work Following Leave of Absence.</p> <p>All such documentation shall be kept in the strictest confidence.</p> <p><u>Eligibility</u></p> <p>Sick leave shall commence when the employee or the employee's agent (if the employee is sufficiently disabled) reports the absence. A sick leave day, once commenced, may be reinstated as a working day only with the approval of the Superintendent or designee.</p> <p><u>Duration Of Leave</u></p> <p>Upon the expiration of all then currently earned and accumulated sick leave, the Board may grant unpaid leave to the employee for the remainder of the school year. Such leave shall be without fringe benefits.</p> <p><u>Records</u></p> <p>The personnel records of the district for professional employees shall show the attendance of each employee, and such days as that employee may be absent shall be recorded with the reason for such absence noted. A record shall be made of the unused sick leave days accumulated by each employee, which shall be made available to the employees in accordance with law.</p> <p><u>Counseling</u></p> <p>Employees may be counseled by the principal, supervisor, Superintendent or designee if attendance and leave problems are chronic and apparent. Specific concerns that may be addressed include the following:</p> <ol style="list-style-type: none"> <li>1. Failure to report absences properly.</li> <li>2. Failure to provide requested physician's certification of absence.</li> </ol>
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	<ol style="list-style-type: none"><li>3. Sick leave taken in a pattern of before or after a holiday.</li><li>4. Sick leave taken in a pattern of Fridays and/or Mondays.</li><li>5. Sick leave taken when a request for personal leave is denied.</li><li>6. Sick leave taken on specific days when a crucial job duty must be accomplished by the employee (such as parent conferences, in-service days, or examination periods).</li></ol>
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