

## STAFF LEAVE AND ABSENCES

### 1. Non-Discretionary Paid Time Off (PTO) Leave.

A. Accrual. The number of days per year of non-discretionary PTO leave that an employee will be eligible to accrue will be based on the length of the contract or notice of assignment (NOA) according to the following schedule:

- Contract/NOA less than nine months: days are pro-rated<sup>1</sup>
- Contract/NOA nine months: 12 non-discretionary days
- Contract/NOA ten months: 14 non-discretionary days
- Contract/NOA eleven months: 15 non-discretionary days
- Contract/NOA twelve months: 16 non-discretionary days

One day is defined as the number of scheduled hours per regular school-work day for the assigned position.

Non-discretionary PTO leave will accrue on an earned basis at a rate of the number of days per year an employee is eligible to accrue divided by [the length of their contract or the number of pay periods based on the length of their contract] and an employee may accumulate up to a maximum of sixty (60) days.

An employee will not accrue or earn any non-discretionary PTO leave for any month in which the employee takes extended leave, which is defined as leave for a period of more than half of the employee's scheduled workdays for the month.

B. Use. Non-discretionary PTO leave is provided to employees for illness and other personal needs on an annual basis in accordance with this regulation. By way of example only, non-discretionary leave may be taken for the following reasons:

- Personal mental or physical illness, injury, or health condition or the need to obtain medical care;
- The necessary care and attendance for the employee's family member who has a mental or physical illness, injury, or health condition or the need

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<sup>1</sup> At a minimum, employees shall earn 1 hour of non-discretionary PTO leave for every 30 hours worked, up to 48 hours per year.

to obtain medical care;

- Seeking medical attention or related services, including legal services, if the employee or the employee's family member has been the victim of domestic abuse, sexual assault, or harassment;
- The district has been ordered to close by a public health official due to a public health emergency;
- The school or childcare provider for the employee's child has been ordered to close by a public health official due to a public health emergency and the employee needs to be absent from work to care for their child;
- Bereavement, including attending funeral services or a memorial, or dealing with financial and legal matters that arise after the death of a family member;
- The need to care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence of event that results in the closure of the family member's school or place of care; or
- The need to evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or other unexpected occurrence or event that results in the need to evacuate the employee's residence.

For non-discretionary leave purposes, the term "family member" means a member of the employee's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or a person for whom the employee is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the Superintendent.

- C. Requests. Requests for non-discretionary PTO leave should be submitted to the principal/supervisor in writing at least 48 hours in advance, when possible, to lessen the impact on school activities and ensure the availability of substitutes. No explanation is required for the non-discretionary PTO leave request. If the non-discretionary PTO leave is approved in advance by the principal or

supervisor, the employee's pay will not be docked. Advance notice for illness is understood to typically be last minute; however, employees are required to notify their supervisor of leave due to illness at the earliest possible opportunity. Non-discretionary PTO leave may not be taken to extend a paid vacation. Exceptions to the docking of pay in this instance may be approved by the Superintendent for illness or significant family events which occur at a time beyond the employee's control.

- D. Documentation. For accounting purposes, non-discretionary PTO leave will be deemed taken commencing the day the employee does not report to work. The district may require reasonable documentation that non-discretionary PTO is taken for a qualifying reason if the leave requested or taken is for four (4) or more consecutive days during which the employee would have regularly worked. Any health or safety information relating to an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information, treated as confidential medical records, and will not be disclosed except to the affected employee or with the express permission of the affected employee.
- E. Additional Leave During a Public Health Emergency. In addition to the non-discretionary PTO leave set forth above, on the date a public health emergency is declared the district will immediately provide each employee with a one-time paid leave supplement, which, combined with whatever accumulated but unused non-discretionary PTO leave that the employee has as of the date of the declaration of the public health emergency, will give an employee who normally works forty (40) or more hours in a week access to eighty (80) hours of total paid leave, and an employee who normally works under forty (40) hours in a week access to total paid leave hours that are at least the greater of the number of hours the employee (a) is scheduled for work or paid leave in the upcoming fourteen-day period, or (b) actually worked on average in the fourteen-day period prior to the declaration of the public health emergency.

During the entire duration of a public health emergency (the time between the date on which the emergency is declared and four (4) weeks after the date of the official termination or suspension of the emergency declaration), an employee may use both (a) the non-discretionary PTO leave they have accumulated prior to the declaration of the public health emergency and (b) the amount of

supplemental paid leave provided to the employee on the date of the declaration of the public health emergency, for any of the qualifying reasons:

- Self-isolation or seeking medical care or treatment due to a diagnosis or symptoms of a communicable illness that is the cause of a public health emergency;
- Caring for a family member who is self-isolating or seeking medical care after being diagnosed or is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- A determination from a local, state, or federal public official or health authority that an employee or a member of the employee's family for whom the employee cares poses a risk to the health of others;
- Caring for a family member when the individual's school or place of care has been physically closed due to a public health emergency; or
- An employee's inability to work because of a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

Documentation is not required to take public health emergency leave.

For purposes of this regulation, the term "public health emergency" has the meaning set forth in the Healthy Families and Workplaces Act, C.R.S. §§ 8-13.3-401 et seq.

- F. Leave Payout. Certified staff, paraprofessionals, and 12-month employees who have accumulated over sixty (60) days non-discretionary PTO leave will be paid for the number of days more than sixty (60) at the substitute teacher daily rate at the end of each fiscal year. Food service staff who have accumulated over sixty (60) days will be paid for the number of days more than sixty (60) at a rate of \$105.00 per day at the end of each fiscal year.
- G. Reinstatement Upon Rehiring. If an employee separates from employment with the district and is rehired by the district within six (6) months after separation, the district must reinstate any non-discretionary PTO leave that the employee had accrued but not used at the time of the employee's separation from the district.

2. Professional Leave. Professional leave may be granted by the administration to enable employees to participate in workshops or conferences that will improve the

employee's professional competencies or otherwise enhance the school program. Such leave shall be subject to budgetary limitations.

3. **Leave of Absence Without Pay**. Any leave not covered above will be considered a leave of absence without pay. Such leave will not be considered service for purposes of salary schedule placement. However, upon return from leave of absence without pay, service with the district will be deemed continuous and the employee will be placed on the salary schedule at the same step held at the commencement of leave.

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