

**Leaves**

**Sick Leave - Policy and Objectives**

It is the policy of the Dayton Public School to grant its classified employees sick leave benefits in accordance with Section 2-18-618, MCA. Teachers shall be granted sick leave in accordance with the provisions of their teaching contracts/Board policy.

Sick leave means a leave of absences with pay for a sickness suffered by an employee or his/her immediate family. Immediate family shall mean the employee's spouse, children, siblings, parents, grandchildren, and grandparents.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and the governing contractual agreements.

The objectives of this policy are to establish functional uniform procedures for calculating and granting sick leave benefits in accordance with Section 2-18-618, MCA.

Further, it is an objective of this policy to assure compliance with the maternity leave requirements specified in the Civil Rights Act of 1964 and the Montana Maternity Leave Act. Sick leave will be available for pregnancy, miscarriage, childbirth, and recovery there from.

It is understood that seniority shall accumulate while a teacher or employee is utilizing accumulated sick leave credits.

Seniority will not accumulate unless an employee is in a pay status.

Abuse of sick leave is cause for discipline up to and including termination/discharge.

**Bereavement Leave**

A full-time employee who has a death in the family is eligible for up to 5 days of paid bereavement leave, which the Principal has the authority to approve. Part-time employees are eligible for prorated bereavement leave. Employees seeking more than the allotted number of days of bereavement leave must apply for that leave through the Board. The Board may grant additional unpaid leave in its sole discretion. For the purposes of bereavement leave, "family" is defined as the employee's spouse, child, parents, siblings, grandparents, grandchildren and a spouse's like relations.

**Civic Duties Leave (For Certified Only)**

Employees can request pay for absences for Jury Duty or other appearances in court in response to a duly served subpoena, except where the employee is a litigant in the case. The pay for subpoena leave shall be the regular rate of pay for the employee. The employee shall keep the supervisor informed of the length of absence.

**Personal Leave (For Certified Only)**

Each full-time teacher is allowed eighty (80) hours of paid personal leave each year.

1. In the case of emergencies generated in conjunction with a scheduled School District vacation or holiday precluding the return of a staff member, application for personal leave may be made on return.
2. Personal leave days will not be granted during the first two or the last two days of any school semester, nor during any Pupil Instruction Related Day for teachers unless approved by the Board.
3. Personal leave is not cumulative

**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.

**Vacation Leave**

Certified employees 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 the terms of their individual contracts. The District, in its sole discretion, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

**Extended and/or General Leave Requests (Discretionary)**

The Board of Trustees reserves final approval of all discretionary extended leave requests, whether with or without pay. This shall include those leaves under the Voluntary Career Development Plan, as well as discretionary leaves without pay.

All such leave requests must come before the Board for its approval.

**Long-Term Illness/Temporary Disability/Maternity Leave**

It is the policy of the Dayton Public School to enable its employees to use sick leave for long-term illness or temporary disability, and upon the expiration of sick leave to grant eligible employees leave without pay if requested.

Medical certification of the long-term illness or temporary disability may be required at the Board's discretion. Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery there from. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the after-math of miscarriage or other pregnancy-related complications. Such leave shall not exceed six weeks unless prescribed by a physician. The teacher on maternity leave will be paid the difference between the teacher's salary and the cost of hiring a substitute teacher. Leave time will be in addition to any unused personal leave granted by the teacher contract.

Leave without pay arising out of any long-term illness or temporary disability, including pregnancy, miscarriage, childbirth and recovery there from shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness or temporary disability plans in the event of maternity leave, shall apply under the same conditions as other long-term illness or temporary disability leaves.

The Board of Trustees shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.

Cross Reference: #5328 Family Medical Leave Act

Legal Reference:	42 USC 2000e	Equal Employment Opportunities
	§ 2-18-601(10), MCA	Definitions
	§ 2-18-618, MCA	Sick Leave
	§ 2-18-619, MCA	Jury Duty - Service as Witness
	§ 49-2-311, MCA	Reinstatement to job following pregnancy - related to leave of absence

Policy History:  
Adopted on: 2008-09  
Revised on: 01/28/19