

ARTICLE 13 - Paid Leaves of Absences

13.1 For the purposes of this Article, a family member is defined as follows:

- (a) A spouse or domestic partner.
- (b) A biological, adoptive, foster, stepchild, or any child for whom the employee is or was acting in loco parentis.
- (c) A parent, stepparent, foster parent, adoptive parent, parent-in-law, or a person who acted in loco parentis to the employee when the employee was a child.
- (d) A grandparent, grandchild, or sibling (including step-sibling or sibling-in-law).
- (e) Any individual related by blood or whose close association with the employee is the equivalent of a family relationship (affinity).
- (f) Any other family member defined by applicable state or federal law.

13.2 Sick Leave

- (a) Each employee shall be granted ten (10) days sick leave per year or one (1) day per month employed, whichever is greater, up to a maximum of twelve (12) days per year.
- (b) Sick leave shall be credited to the employee at the beginning of the fiscal year or work year, whichever is applicable. In the case of employees who begin service after commencement of the work year, sick leave days will be credited on the first day of employment and will be prorated. Such credit of sick leave is only an advance on the amount projected to accrue during the employee's work year. Midyear resignations or terminations will result in an adjustment of any unearned but used sick leave.
- (c) Sick leave not taken shall accumulate on an unlimited basis. Sick leave may be transferred from another school district; however, the accumulation shall not exceed that carried by the most recent employing district and shall not be effective until the employee has completed thirty (30) days with the new district.
- (d) Employees may utilize accrued sick leave in increments equal to the exact amount of time used.
- (e) Employees may use accrued sick leave for:
 - (i) The employee's own physical or mental illness, injury, medical appointments, preventive care, diagnosis, or treatment.
 - (ii) To care for a employee's family member who has an illness, injury, or health condition, or who needs medical diagnosis, care, treatment, or preventive care.

- ~~(iii) For absences covered under Oregon Family Leave Act (OFLA) and/or Paid Leave Oregon, including but not limited to parental leave, bereavement leave, and safe leave related to domestic violence, harassment, sexual assault, or stalking.~~
- ~~(iv) Closures of schools, childcare, or workplaces due to public health emergencies.~~
- ~~(v) Blood donation.~~
- ~~(vi) Any other usage allowed under applicable local, state, and federal law.~~
- ~~(f) Upon retirement, the ESD shall report all accumulated, unused sick leave hours for each eligible employee to the Oregon Public Employees Retirement System (PERS) for purposes of retirement service credit calculation. For employees ineligible for sick leave credit in retirement, the ESD shall provide the employee payment for all of their ESD accumulated, unused, sick leave, at the employee's regular rate of pay on the employee's final check.~~
- ~~(g) Nothing in this Article shall diminish rights afforded to employees under Oregon's Sick Leave Law, the Oregon Family Leave Act (OFLA), Paid Leave Oregon (PLO), the Family and Medical Leave Act (FMLA), or other applicable laws. If any provision of this Article conflicts with applicable laws, the law providing the greater benefit to employees shall prevail.~~
- ~~(h) Full time employees: In accordance with ORS 332.507, bargaining unit members shall accrue sick leave at the rate of ten days (10) per year or one (1) day for each month worked, whichever is greater. Sick leave time will be credited to each employee at the beginning of the employee's work year for the ESD.~~
- ~~(i) Part-time employees: Part-time employees accrue sick leave on a pro rata basis, according to the percentage of a full time schedule that the part time employee is scheduled to work. The sick leave paid for a day of illness for a part time employee will be based on the number of hours the employee was scheduled to work that day.~~
- ~~(j) Utilization: Sick leave shall be available for the employee's own illness or injury or any other purpose for which sick leave is available under Oregon sick leave law. Under Oregon law, an employee may use up to 40 hours of their own accrued sick leave in a fiscal/contract year (July 1 to June 30) to care for an ill family member without applying for or determining eligibility under the Oregon Family Leave Act ("OFLA") or the Family Medical Leave Act ("FMLA"). Sick leave usage for family illness beyond 40 hours may be available pursuant to FMLA/OFLA. The definition of a family member under SB454 "Sick Time", is the same as OFLA (employee's spouse; same gender domestic partner; biological, adoptive, step or foster child; child of a same gender domestic partner; custodial or non-custodial parent; step parent; parent-in-law; parent of same gender domestic partner; grandparent or grandchild; a person with whom the employee is or was in a relationship of in loco parentis).~~

- ~~(k) If an employee terminates employment with the ESD during the employee's work year and has utilized more sick leave than accrued, the value of sick leave used in excess of entitlement shall be deducted from the employee's final paycheck.~~
- ~~(l) Employees may request to have their sick leave balance from another Oregon school district transferred to the employee's sick leave balance with the ESD.~~

13.3 Paid Leave Oregon

- (a) Employees on using leave pursuant to Paid Leave Oregon may elect one of the following sick leave supplementation options:
 - (i) No supplementation of the benefit received;
 - (ii) Supplementation of the benefit up to one hundred percent (100%) of the employee's regular base pay; or
 - (iii) Supplementation on a day-for-day basis concurrent with the state/federal benefit, regardless of whether the combined total exceeds one hundred percent (100%) of regular base pay.

13.4 Bereavement Leave

- (a) A maximum of five (5) days per occurrence may be used for absence due to death of a in the immediate family member of the employee. Bereavement leave days do not have to be used consecutively.
- (b) An employee may qualify for ~~ten (10) days~~ additional bereavement leave under Oregon Family Leave Act (OFLA). Employees seeking bereavement leave may make a request by applying under OFLA, and OFLA rules concerning eligibility and usage will be applied. ~~If an employee qualifies for bereavement leave under OFLA, the 10 days of leave will run concurrently to include the 5 leave days described in 13.2.A above and the employee may use accrued sick leave for pay for the 5 days not covered under part 13.2.A above. The leave is limited to 10 days total per occurrence and must be completed within 60 days of the date the employee learned of the death. Bereavement leave will count toward the total amount of OFLA eligible leave. Bereavement leave is not accumulative.~~
- (c) A pregnant employee, or spouse of a pregnant employee, who suffers a pregnancy loss (including, but not limited to, chemical pregnancy, ectopic pregnancy, molar pregnancy, miscarriage, TFMR, stillbirth, neonatal loss) shall be eligible for bereavement leave. An employee, or spouse of an employee, who suffers a failed fertility treatment (including, but not limited to IUI, ART, surrogacy loss) shall be eligible for bereavement leave.
- ~~(d) The "immediate family" shall be defined as mother, father, brother, sister, child, step-child, mother-in-law, father-in-law, brother-in-law, sister-in-law, those who stood in loco parentis, spouse, spouse's and employee's grandparents, grandchildren, a person regularly residing in the household, and domestic partner as defined by the Oregon Bureau of Labor and Industries.~~

13.5 Compassion Leave

- (a) Each employee who experiences the loss of a student they are currently serving will be granted one (1) day of Compassion Leave with pay per occurrence. The ESD reserves the right to deny or reschedule requests in order to ensure sufficient staffing and supervision of children in our care.

13.6 Trauma Informed Leave

- (a) If an employee has an encounter with a student, parent or community member that causes mental/emotional trauma/distress, while in the performance of their duties, will be reported immediately to a supervisor. After any required reporting is complete, the employee may be provided up to three (3) days of paid recovery for each instance. This shall be granted without loss of pay and separate from discretionary or sick leave.

13.7 Personal/~~Emergency~~ Leave

- (a) All employees shall receive five (5) days of personal leave per fiscal year, credited in full on July 1 or prorated at the employee's date of hire. Eleven- (11-) and twelve (12-) month employees shall receive one (1) additional personal day. Up to three (3) days of personal/emergency leave will be granted to each employee each work year with full pay.
- (b) Personal leave may be utilized for any purpose at the employee's discretion without disclosure of the reason. Emergencies are defined as situations which cannot be dealt with outside of working hours which are suddenly precipitated or unplanned or where preparing could not relieve the necessity for the employee's absence and which requires the employee to absent him/herself from his/her duties.
- (c) Personal leave is defined as leave for matters which require absence during work hours which can be planned/prepared for and where the nature of the business may not be dealt with at any other time. Personal leave may not be used to extend a vacation or holiday, for union business, or for personal illness if the employee has accrued sick leave.
- (d) If a substitute is required, the leave is usable in not less than one-half (½) day increments. If a substitute is not required, the leave is usable for a minimum of one hour.
- (e) Unused personal leave shall carry over without limit from year to year. Upon separation, retirement, or resignation, employees shall receive full payout of accumulated personal leave at their current hourly rate. Personal/emergency leave does not accumulate from year to year.
- (f) A request to the member's supervisor for Personal Leave shall be given at least five (5) days in advance. The employee will be notified preferably within one (1) day, but no longer than two (2) days of the approval or denial of the request. If denied, the employee will be notified of the reason for denial. A leave request shall be submitted on a form developed by the ESD. No reason for use of

~~personal leave other than “personal” or “emergency” shall be required, except to confirm that it complies with the language of this Agreement. It is understood that request for Emergency Leave use will not be completed two days in advance, but will be completed as quickly as possible following the emergency.~~

- ~~(g) At the end of each fiscal year, employees shall be paid for any unused personal/emergency leave. The rate of pay for unused personal business leave shall be the employee’s regular rate of pay and will be included in the final paycheck for the calendar school year.~~
- (h) Personal/emergency leave will be prorated for employees hired after July 1 of any fiscal year. ~~Staff hired prior to October 31 of the year shall receive 3 personal days; staff hired November 1 and prior to March 1 shall receive 2 days, and those staff hired March 1 and after of the fiscal year shall receive 1 day.~~

13.8 Emergency Leave

- ~~(a) Paid leave, not to exceed five (5) days per incident, shall be provided for a serious emergency. An example of a serious emergency is a house fire or other damage to an employee’s personal residence, which requires time off to find temporary housing, or a family emergency requiring the employee to immediately leave their worksite.~~

13.9 Emergency Closure Leave

- (a) When schools are closed because of inclement weather or other unforeseen problems (e.g., power outages), employee work schedules will be determined by the ESD. Employees will be expected to report for work unless notified to the contrary by the ESD. Employees ~~may shall~~ be notified via ~~commercial radio stations, other media, and~~ emergency/flash alert notification, email, and phone call.
- (b) Classified employees ~~who work less than 240 days~~ shall not report to work, nor shall they suffer any loss of pay on the days when the employees of the school district(s) to which the employee is assigned on that day are not required to report to work due to inclement weather or emergency closures. ~~The ESD may arrange for an alternate work location to which the affected employee may be required to report. With their supervisor’s approval, the employee may work from home.~~ The ESD shall have the right to require members to make up the time lost, without additional pay, as long as the total days worked does not exceed the employee’s maximum work year days. ~~In the event a school building or the school district to which the employee is assigned is closed after the start of the school day, the employee shall remain at the workplace until released by an authorized officer of either the local district or the ESD.~~
- (c) Maintenance and custodial employees may be required to work on emergency closure days. Work schedules may be modified by the subject employee’s immediate supervisor. Notification of work schedules will be made in a timely manner. If a maintenance and/or custodial employee is required to work and has a reasonable belief that travel to their worksite is hazardous, the employee shall

~~be excused from reporting to work on the day of the closure with no loss in pay. Employees that work 250 days or more who are notified not to report for work on an emergency closure day, will be paid for a maximum of two (2) days for Emergency Closure Pay during the school year. To be eligible for the Emergency Closure Pay, an employee must work either the day before or the day after the closure, if those are regularly scheduled workdays for the employee. A day of vacation, sick leave, or other paid authorized day off shall constitute a scheduled workday for this purpose.~~

- (d) Employees who are notified their assigned work location is open, but they are unable to reach their work location, will be provided two (2) days of emergency leave. After the usage of emergency leave days, subject employees shall have the option of using personal leave, vacation time (if they are entitled to this benefit), or may take unpaid personal leave if all other leaves have been used. Adjustments in pay because of emergency closure will be made in the employee's next monthly paycheck.

13.10 Jury Duty

If an employee is summoned for jury duty, the ESD shall grant the employee permission to serve without loss of regular salary. ~~All monies received as a result of service, other than expense reimbursements, will be deducted from the employee's regular pay. If the court releases the employee before noon, the employee shall return to the worksite and complete the assigned shift.~~

13.11 Legal Leave

- (a) If an employee is summoned in a legal case involving his or her/their work for the ESD, the ESD shall grant the employee permission to leave without loss of regular salary. ~~All monies received as a result of the subpoena, other than expense reimbursements, will be deducted from the employee's regular pay.~~
- ~~(b) This legal leave provision does not apply in any legal proceedings in which the employee or the Union is a complainant against the ESD, or is a witness in behalf of a claimant against the ESD or its personnel acting in the course and scope of their employment, or where the employee is a criminal defendant in a case including traffic citations.~~

13.12 Military Leave

- (a) Any employee who is a member of the Oregon National Guard or the National Guard of any other U.S. state shall be entitled to and shall be granted military leave of absence for a period not exceeding the time period specified by ORS 659A.086, under the following conditions:
- (b) The employee has given prior notification to his/her/their immediate supervisor of the date he/she is they are to report for military duty.

- (c) The employee provides a signed copy of orders requiring ~~his/her~~their participation in military duty to the Human Resources department prior to leaving, or when this is not possible, within five (5) days of returning to work.
- (d) Such absence shall be in addition to any vacation or illness and injury absence benefits to which the employee is entitled, if the employee is required to report during his/her regular work assignment.
- (e) While on leave, there shall be no loss of seniority, vacation, or sick leave to which the employee might otherwise be entitled.
- (f) Upon return from leave, the employee shall be placed in the position last held or an equivalent position in the ESD. Military leave of absence is construed as regular service in regard to salary steps.
- (g) The employee is not subject to removal or discharge from the position as a consequence of the leave of absence.

~~13.13 Less than full-time employees will receive paid leaves of absence on a prorated basis.~~