

Missoula County Public Schools
Personnel 5321

Leaves

Sick Leave

Certified and classified employees will be granted sick leave according to terms of their respective current collective bargaining agreement.

Classified employees who do not come under a collective bargaining agreement will be granted sick leave benefits in accordance with §2-18-618, MCA.

For classified staff who do not come under a collective bargaining agreement, "sick leave" is defined as a leave of absence, with pay, for sickness suffered by an employee or an employee's immediate family. "Immediate family" is defined as the employee's spouse and any member of the employee's household, or parent, child, grandparent, grandchild, brother, sister, corresponding in-law and step relatives. The time that an employee is unable to perform job duties because of:

A physical or mental illness, injury, or disability;

Maternity or pregnancy-related disability or treatment, including a prenatal care, birth, or medical care for the employee or the employee's child;

Parental leave for a permanent employee as provided in 2-18-606, MCA;

Quarantine resulting from exposure to a contagious disease;

Examination or treatment by a licensed health care provider;

Short-term attendance, in an agency's discretion to care for a person (who is not the employee or a member of the employee's immediate family) until other care can reasonably be obtained;

Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

Death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

It is understood that seniority for which an employee is eligible will accumulate while a teacher or classified employee is utilizing sick leave.

Abuse of sick leave is cause for disciplinary action up to and including termination.

Bereavement Leave

Certified and classified employees will be granted bereavement leave according to the terms of their respective current collective bargaining agreements.

Classified employees who do not come under a collective bargaining agreement will be granted bereavement leave as follows.

An employee who has suffered a death in the immediate family will be eligible for bereavement leave. The Superintendent or designee has authority to grant bereavement leave for up to five (5) days per death. Bereavement leave longer than five (5) days must be approved by the Board. Such leave will not exceed three (3) months unless prescribed by a physician.

Personal and Emergency Leave

Teachers and classified employees who come under a collective bargaining agreement may be granted personal and emergency leave according to terms of their current collective bargaining agreements.

Classified employees who do not come under a collective bargaining agreement

may, upon recommendation of the Superintendent or designee, and in accordance with law and District policy, be granted personal and emergency leave pursuant to the following conditions:

Leave will be without pay or benefits unless otherwise stated. However, the Superintendent or designee, at his/her sole discretion, may grant emergency or personal leave without loss of pay or benefits.

If leave is to include expenses payable by the District, leave approval will so state.

During an approved unpaid personal leave, an employee may elect to pay the District's share of any insurance benefit program for which he/she is eligible in order to maintain those benefits.

The Superintendent or designee has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees whose absence will not be covered by sick or annual leave.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage).

The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

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 governing collective bargaining agreements.

Legal Reference:

42 USC 2000e	Equal Employment Opportunities
§2-18-601(10),	MCA Definitions
§2-18-618, MCA	Sick Leave
§49-2-310, MCA	Maternity leave – unlawful acts of employers
§49-2-311, MCA	Reinstatement to job following pregnancy-related leave of absence

Policy History:

Presented at PN&P Committee meeting on March 30, 2005

First Reading April 12, 2005

Posted for Public Input May 16, 2005

Presented at PN&P Committee meeting on June 29, 2005 for second reading

Approved on: July 12, 2005

Revisions recommended by MTSBA presented at August 31, 2005 PN&P Committee meeting.

First Reading at September 12, 2006 Board of Trustees' meeting

Posted for Public Comment until October 18, 2006

Second Reading to PN&P Committee meeting on October 25, 2006

Adopted on: November 14, 2006