

# SMYRNA SCHOOL DISTRICT *PROCEDURE*

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<b>Section:</b>	<b>4000 Personnel</b>	<b>Office Responsible:</b>	<b>Human Resources</b>
<b>Procedure:</b>	<b>4151 Employee Attendance</b>		
<b>Related Policies:</b>	<a href="#"><u>4151 Employee Attendance</u></a>		

## **I. Purpose**

To set forth specific criteria for Employee Attendance

## **II. Authority**

*Delaware Code, Title 14 Section 1318*

## **III. Procedure**

### **a. Sick Leave:**

- i. Teachers and other ten-month employees shall earn ten (10) days of sick leave per year; five (5) of which can be used for personal leave.
- ii. Eleven-month teachers and employees shall earn eleven (11) days of sick leave per year; five (5) of which can be used for personal leave.
- iii. Twelve-month teachers and employees shall earn twelve (12) days of sick leave per year; five (5) of which can be used for personal leave.
- iv. Any unused sick leave may be accumulated to the employee's credit without limit.
- v. Employees will complete an electronic leave request form in the Data Service Center at [www.dataservice.org](http://www.dataservice.org) to document each day of sick leave. Whenever possible, the form will be completed in advance of the absence. When the absence is unforeseen, a form will be completed the day the employee returns to work. Leave requests shall be made in quarter-day increments, as follows:

#### **Sick leave hours for 37.5-hour staff will be calculated as follows:**

¼ Day = 1.875 hours

½ Day = 3.75 hours

¾ Day = 5.625 hours

Full Day = 7.5 hours

Summer Full Day = 9.375 hours

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

**Sick leave hours for 40-hour staff will be calculated as follows:**

$\frac{1}{4}$  Day = 2.00 hours

$\frac{1}{2}$  Day = 4.00 hours

$\frac{3}{4}$  Day = 6.00 hours

Full Day = 8.00 hours

Summer Full Day = 10.00 hours

### **b. Vacation**

- i. Accrued over the fiscal year July 1 to June 30.
- ii. Experience for vacation purposes shall include only continuous employment in the Smyrna School District from the date last hired.
- iii. Authorized vacation can be taken up to the number of days earned. Earned days will be added the last day of each month. Vacation time will not be approved against future vacation credit.
- iv. Administrative/Supervisory Personnel:
  - i. Twenty-six (26) days per year (2.17 days per month)
- v. Secretarial/Custodial:
  - i. 0-5 years of continuous service: Twenty-one (21) days per year (1.75 days per month)
  - ii. 6 or more years of continuous service: Twenty-six (26) days per year (2.17 days per year)
- vi. Accrued vacation time with another state agency shall not be transferred to the Smyrna School District
- vii. Persons employed on or before the 15<sup>th</sup> of the month will receive full credit for that month. Persons not employed on or before the 15<sup>th</sup> of the month will not receive full credit for that month. Persons resigning after the 15<sup>th</sup> of the month will receive full credit for the month. Persons resigning before the 15<sup>th</sup> day of the month will not receive full credit for the month.
- viii. Accumulated Vacation Days:
  - i. Vacation Days may be accumulated up to forty-two (42) days. There, prior

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

to the end of the fiscal year, an employee has accumulated more than forty-two (42) days of vacation, such vacation will be adjusted to forty-two (42) days at the end of the fiscal year. This is otherwise known as “Use or Lose.”

- ix. Vacation time used will be charged in quarter day increments. Up to two (2) hours of absence will be charged a  $\frac{1}{4}$  day. Up to four (4) hours absence will be charged  $\frac{1}{2}$  day. Up to six (6) hours of absence will be charged  $\frac{3}{4}$  day. Absences in excess of six (6) hours will be charged for a full day vacation.
- x. Vacation time is earned during an approved leave of absence with pay, but is not earned during a leave of absence without pay.
- xi. If an employee is scheduled to work and cannot get to work because of the weather or an emergency, such days shall be charged against accrued vacation or personal leave.
- xii. Unexcused absences shall be charged against accrued vacation. If no accrued vacation then loss of pay.
- xiii. Vacations can only be scheduled with the approval of the immediate supervisor. Vacation may not be scheduled at a time when the employee’s absence would require the employment of a substitute or at a time when it would interfere with the normal operations of the school. Official vacation records will be maintained through an approved District database- [www.dataservice.org](http://www.dataservice.org). The Payroll Office will monitor the system.

### **c. Holidays**

- i. All twelve (12) month employees must take vacation over the winter holiday from December 24th through January 1st as all District facilities will be closed. The Superintendent of Schools may grant permission for staff to work over the winter holiday in unusual situations.
- ii. When February has twenty-nine (29) days (Leap Year), the Wednesday before Thanksgiving will be a non-working holiday.
- iii. The 12-month Holiday calendar is distributed yearly to identify the days of observation. If a holiday falls on a Saturday, the holiday will be observed on the Friday prior to the holiday. If a holiday falls on a Sunday, the holiday will be observed on the Monday after the holiday.
- iv. School’s Closed – Employee Holidays
  - i. Independence Day

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

- ii. Labor Day
- iii. General Election Day (every 2 years)
- iv. Veterans Day
- v. Wednesday before Thanksgiving (on a Leap Year)
- vi. Thanksgiving Day
- vii. Thanksgiving Friday
- viii. Christmas Day
- ix. New Year's Day
- x. Martin Luther King Day
- xi. President's Day
- xii. Good Friday
- xiii. Easter Monday
- xiv. Memorial Day
- xv. Juneteenth

### **d. Excused Absences**

- i. The following absences are considered excused absences:

- i. Vacation
- ii. Bereavement

#### **1. Death in the Immediate Family**

- a. An absence not to exceed five (5) working days. The days allotted do not have to be consecutive and can be used to settle affairs of the estate. For purposes of this leave of absence, members of the immediate family shall be defined as:

- Employee's spouse or domestic partner
- Employee's parent, stepparent, or child

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

- The parent, stepparent, or the child of the employee's spouse or domestic partner
- Employee's grandparent or grandchild
- Employee's sibling
- Spouse of employee's child
- Any relative who resides in the same household
- Any minor child for whom the employee has assumed and carried out parental responsibilities

### **2. Death of a Near Relative:**

- a. An absence for the day of the funeral or the day before or after the funeral. No sick leave will be charged. For the purposes of this leave of absence, a near relative shall be defined as:

- First cousin
- Aunt
- Uncles
- Nieces
- Nephews
- Brothers-in-law or Sisters-in-law
- Grandparents-in-law
- Any other friend living in the employee's household

### **3. Sick Leave**

- a. Employee shall inform their immediate supervisor of the fact and reason in advance when possible, or otherwise before the expiration of the first hour of absence, or as soon thereafter as practicable; failure to do so may be cause for denial of pay for the period of absence.

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

- b. Before approving pay for sick leave, the supervisor may, at their discretion, require either a doctor's note setting forth the reason for the absence.
- c. In the case of an absence of five (5) or more consecutive days, a doctor's note is required as a condition to return to work. Sick leave will be charged.
- d. Types of Sick Leave:
  - Critical illness in the immediate family
  - Personal illness
  - Doctor appointment: should not exceed a half-day per appointment/occurrence. Appointments requiring in excess of a half-day shall require a doctor's note.
  - Observance of recognized religious holidays – no more than three calendar days per year. Sick leave will be charged.

#### **4. Personal Leave**

- a. Requests for personal leave must be submitted for approval of a minimum of 3-days in advance of the date(s) requested.
- b. Unpaid leave may not be used until personal leave is exhausted. Personal leave can be denied if the absence poses an operational hardship. See Blackout dates in #6.
- c. SB61 prevents administrators from asking the reason an employee is taking personal leave.
- d. SB61- Personal leave cannot be denied unless the absence(s) would result in an operational challenge. If considering a denial, contact the Office of Human Resources.

#### **5. Other**

- a. Subpoena/Jury Duty Summons: An employee may be absent without loss of pay for any of the following reasons:

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

- To appear under subpoena to testify, unless the employee is one of the parties in the proceeding, or the subpoena arises from other employment or activities of the employee.
- To report to serve on a jury
  1. An employee shall notify the employee's direct supervisor and the superintendent's office in advance of the need to be absent and provide a copy of the subpoena
  2. An employee shall notify their direct supervisor in advance of the need to be absent and provide a copy of the jury duty notice.

### b. Military Leave

- Must be a permanent full-time employee
- Must be a member of the Armed Forces
- Military training must be with the employee's own military unit
- The request is submitted two-weeks prior with a copy of the official orders
- Leave will not result in lesser compensation or vacation use
- 30 total days – See [Board Policy 4155 Military Leave](#)

### c. Compensatory Time: (Eligible hourly employees (paraprofessionals, administrative assistants, and custodians) may accrue comp time.

- Compensatory time must be pre-approved and documented with a signature of a supervisor weekly on the [Authorization for Compensatory Time Form](#)
- Compensatory time must be used within 180 days of accrual

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

### d. Unpaid Leave

- The employee will receive no compensation from the district during leave of absence
- Once a leave of absence without pay has been approved, the employee must take the leave unless he/she receives written notice that the leave has been cancelled
- Unexcused absences will be deducted from the employee's pay at their daily rate
- Unpaid leave may not be used until personal and vacation leave is exhausted
- Unpaid leave will result in progressive disciplinary action

### 6. **Black Out Days**

- a. The following days will not be approved for vacation, personal, or Compensatory time. Please consult your direct supervisor for specific dates as the district calendar changes yearly.

- Child Nutrition: first and last week of school
- Custodians: first inservice week for teachers and last week of school
- Technology: Two weeks prior to the start of school
- Transportation: Two weeks prior to the start of school

### 7. **Unexcused Absences**

- a. An absence is unexcused if denied by a direct supervisor. The employee is considered absent without leave.
- b. Unexcused absences are subject to progressive disciplinary action.

8. Upon retirement, an employee will be paid for a maximum number of 90 days sick leave, multiplied by one-half of their daily rate of



# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

pay. For accumulated sick leave beyond 90 days, employees may earn one (1) month of pension service for every twenty-one (21) days of accumulated sick leave. Please contact the State of Delaware Office of Pensions to verify.

9. When considering progressive disciplinary action, the employee's immediate supervisor will consider prior history of excessive, Non-Family Medical Leave Act absences or a pattern of Non-FMLA absences.
  - a. An employee shall receive a Letter of Record from their immediate supervisor upon accrual of their tenth Non-FMLA absence in a single school year.
  - b. An employee shall receive a Letter of Reprimand for 11 or more Non-FMLA absences in a single school year. Each subsequent day is subject to progressive disciplinary action.

**10. Family Medical Leave Act (FMLA):** (Refer to [Board Policy 4152 Family Medical Leave Act](#))

- a. Employees should consult with Human Resources regarding FMLA and complete requests for FMLA on the required forms found on the district website:
  - [FMLA form WH-380E](#) (Employee Serious Health Condition)
  - [FMLA form WH-380F](#) (Family Serious Health Condition)
  - [FMLA form WH-381](#) (Notice of Eligibility and Rights & Responsibilities)

**11. Donated Leave:** (Refer to [Board Policy 4150 Employee Attendance](#))

- a. Employees should consult with the Office of Human Resources regarding Donated Leave and complete requests for donated leave on the required forms found at: <https://www.smyrna.k12.de.us/domain/176>
  - [Request for donated leave](#) (RDL)

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

- [Request to make a direct donation](#) (RDD)
- [Authorization to release information for solicitation](#) (ASP)
- Checklist of steps for processing the donated leave program

### **12. Short-Term Disability:**

a. Contact the Office of Human Resources, the Payroll Office, and Hartford Insurance Company to begin your claim.

- Claims must be filed within 15 calendar days from the date of disability if the employee will be absent for at least 30 calendar days.
- Have the following information ready when making the claim:
  1. Name and address
  2. Name of your employing organization and last day worked
  3. Your supervisor's name and phone number
  4. The name and phone number of your organization's Human Resources/Benefits Representative
  5. The nature of your claim (accident, illness or pregnancy) and whether it is work related
  6. Your treating provider's name, address, phone and fax numbers
- Important employee information:
  1. The short-term disability program pays up to 75% of the employee's base annual salary.
  2. An employee may opt to utilize ¼ sick day

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

---

for each day on short-term disability to make their salary whole.

3. Healthcare will continue through Delaware Group Health Insurance Plan (GHIP). The state share contributions will be paid for the duration of the approved leave. The employee share will be deducted from employee's pay.

4. Employees who are on approved leave of absence without pay and enrolled in a dental or vision plan may either waive or continue coverage.

- An employee unable to work under Short-Term Disability shall not be on school property. This includes Short-Term Disability in relation to the birth of a child. Once the employee is approved to "return to work" by a physician, the employee may be on school property. An employee on Paid Paternal Leave may be on school property once the employee is cleared to return to work.

- [Short Term Disability Form](#)

### **13. Long-Term Disability:**

- a. Long-Term Disability insurance provides an employee with long-term income protection if they become disabled from a covered injury, sickness, or pregnancy
- b. Contact the Office of Human Resources.

### **14. Extended Board Approved Leave:**

- a. Notification of extended absences (beyond 5 days) requires approval of the SSD Board of Education.
- b. The Board will consider extended leave on a case-by-case basis.
- c. Supporting documentation from a doctor is required in all medical or FMLA cases. Send the request (with specific dates) to the Office of Human Resources. If any changes occur, the employee should contact the Office of Human

# SMYRNA SCHOOL DISTRICT

## *PROCEDURE*

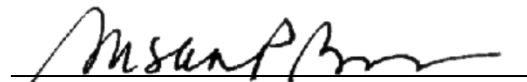
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Resources with an update.

- d. Returning to Work After an Extended Leave - Employees must provide a doctor's written approval to return to work. The documentation must be submitted to the Office of Human Resources prior to returning.

**15.** In the case of any type of leave request, the employee must first contact their direct supervisor with no exception.

Approval Acknowledged by:



Susan P. Brown, *Ed. D., CSBA*  
Superintendent of Schools

### Procedure Actions

Adopted: 03/15/2023

Revised: 04/10/2024