

### **3.08 – LICENSED PERSONNEL SICK LEAVE**

“Sick Leave” means absence with full pay from one’s duties in a public school for the reason of personal illness, illness in one’s family, or death in one’s family, except for an absence due to personal injury resulting from either an assault or other violent criminal act committed against the teacher in the course of his or her employment. “Family” means an employee’s family related by blood, adoption, or marriage.

#### **I. SICK LEAVE**

Licensed Personnel shall be granted a total of one (1) day of sick leave for each month of contract employment:

- A.** In the event that a licensed employee does not use all the days allotted for sick leave in any school year, such unused sick leave shall become cumulative to a total of 120 days. A licensed employee may transfer into the Benton School System sick leave from another public school up to a total of 90 days. No sick leave will accrue after 120 days have been accumulated.
- B.** If a licensed employee claims sick leave but does not have sick leave days available, any available personal leave or vacation leave will be charged.
- C.** A licensed employee who is under contract with Benton School District and cannot carry out regular duties after using all sick leave, may be absent 5 days of school and draw full salary minus salary of substitute who works in teacher's absence. The payment of the substitute will be made by the District and deducted from teacher's salary. In the event no substitute is hired, the teacher’s rate of pay will be reduced by the minimum daily rate of a substitute teacher. In cases of extreme emergencies, see policy 3.09 – Licensed Personnel Sick Leave Bank.
- D.** Any licensed employee whose personal illness extends beyond accumulated sick leave may be granted, if requested in writing, an additional unpaid leave of absence for the remainder of his/her current contract year. Upon return from such leave, a licensed employee will be assigned to the same position or similar position if their former position no longer exists in the district
- E.** Licensed personnel who are on unpaid leave of absence shall retain all their benefits including unused cumulative sick leave benefits. However, 100% of the cost of all benefits must be paid by the licensed employee who takes an unpaid leave of absence.

The Benton School District will adhere to the current Family Medical Leave Act (FMLA) of 1993.

- F.** Employees who are adopting or seeking to adopt a minor child or minor children may use up to 15 sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation, submission or preparation, time spent with legal or adoption agency representatives, time spent in court and bonding time. Except for bonding time, documentation shall be provided by the employee upon request.
- G.** An employee shall be credited with one (1) day of sick leave in the event the employee used one (1) day of sick leave on a mandatory professional development (PD) day so long as the employee makes up the missed mandatory PD day on a noncontract day. Costs and expenses associated

with the make-up PD Shall be the responsibility of the employee unless agreed to in writing by the superintendent or the superintendent's designee for the expenses to be covered by the District.

## **II. PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT**

- A.** The Licensed Employee must sign up to start drawing retirement or be eligible to begin retirement from the State of Arkansas. The Licensed employee who has worked at least ten full years in Benton Public Schools will receive payment for all unused sick leave upon retirement.

The Licensed Employee who works five hours or more each day will be paid base substitute teacher rate for each unused day of sick leave. The Licensed Employee who works less than five (5) hours per day will be paid one-half base substitute teacher rate for each unused day of sick leave.

- B.** The Licensed Employee who has worked less than ten full years in the district will receive payment for a percentage of their unused sick leave days. For example: At least 10 full years = 100%, 9 full years = 90%, and so on. See prorated table below:

10 full years worked in B.P.S.	= 100% of days paid
9 full years worked in B.P.S.	= 90% of days paid
8 full years worked in B.P.S.	= 80% of days paid
7 full years worked in B.P.S.	= 70% of days paid
6 full years worked in B.P.S.	= 60% of days paid
5 full years worked in B.P.S.	= 50% of days paid
4 full years worked in B.P.S.	= 40% of days paid
3 full years worked in B.P.S.	= 30% of days paid
2 full years worked in B.P.S.	= 20% of days paid
1 full year worked in B.P.S.	= 10% of days paid

All fractions of days as a result of this percentage process will be rounded up to the nearest half (.5) or whole number.

Upon the death of a Licensed Employee during a contract year, the employee's estate shall be paid for any unused accrued sick leave based on procedures above.

## **III. ACCUMULATION PAY OF UNUSED SICK LEAVE DAYS - Date Adopted 7/10/95**

After accumulating 90 days unused sick leave, a licensed employee may choose whether to continue accumulating sick leave to a maximum of 120 days or to be paid base substitute teacher rate per day for each day accumulated that year. If the employee chooses to accumulate 120 days, the district will pay base substitute teacher rate per day for any unused sick leave beyond that point. Licensed Employees will be offered this choice before the end of each school year.

## **IV. SICK LEAVE AND OUTSIDE EMPLOYMENT**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment during regular school hours. Except as provided in policy 3.44, if an employee who works a non-district job while taking district sick leave for personal or family illness or

accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross References: 3.185- LICENSED PERSONNEL OUTSIDE EMPLOYMENT  
Policy 3.32 – Licensed Personnel Family Medical Leave  
3.44 - LICENSED PERSONNEL WORKPLACE INJURIES  
AND WORKERS' COMPENSATION

Legal References: A.C.A. § 6-17-1201 et seq.  
A.C.A. § 6-17-1307 et seq.  
29 USC §§ 2601 et seq.  
29 CFR 825.100 et seq.

Date Adopted: 04/12/2002  
Last Revised: 04/10/2017