

8.05—CLASSIFIED SICK LEAVE – POLICIES AND BENEFITS

All classified employees will earn a total of one day of sick leave for each month of contract employment. During an employee's first contract year, sick leave will be credited as earned. In each subsequent contract year sick leave will be credited July 1st. If an employee does not complete a contract year and has used more sick leave than is earned, the employee must reimburse the value of the unearned sick leave. If possible, such reimbursement will be deducted from the employee's final paycheck. In the event that an employee does not use all the days allotted for sick leave in any school year, such unused sick leave shall be cumulative to a total of 120 days. A "day" is considered to be the normal number of hours the employee is scheduled to work, not to exceed eight hours per day.

Sick leave is to be granted for personal illness or illness in the employee's family, or death in employee's family. Sick leave will not be granted for pleasure trips, shopping, hunting, visiting, or for any purpose other than personal illness or illness or death in the employee's family. "Family" means an employee's family related by blood, adoption, or marriage.

If an employee claims sick leave but does not have sick leave days available, any available personal leave or vacation leave will be charged. If no leave of any kind is available, the employee will be docked full pay.

Pay for sick leave shall be at the employee's daily rate of pay, which is that employee's hourly rate of pay times the number of hours normally worked per day.

At the discretion of the employee's supervisor, the District may require a written statement from the employee's physician. Failure to provide such documentation of illness may result in sick leave not being paid, or in dismissal.

Excessive absenteeism, whatever the cause, to the extent that the employee is not carrying out his assigned duties to the degree that the education of students or the efficient operation of a school or the district is substantially adversely affected (at the determination of the Superintendent) may result in dismissal.

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

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.

PAYMENT FOR UNUSED SICK LEAVE UPON RETIREMENT

- A. The Classified Employee must sign up to start drawing retirement or be eligible to begin retirement from the State of Arkansas. The Classified Employee who has worked at least

ten full years in Benton Public Schools will receive payment for all unused sick leave upon retirement.

The eligible classified employee who works five (5) hours or more each day will be paid 50% of their daily rate of pay, not to exceed base substitute rate of pay or be less than \$36, for each unused day of sick leave. Eligible employees who work less than five (5) hours per day will be paid 50% of their daily rate of pay, not to exceed half of the base substitute rate of pay or be less than \$18, for each unused day of sick leave.

- B. The Classified 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 Classified Employee during a contract year, the employee's estate shall be paid for any unused accrued sick leave based on procedures stated above.

ACCUMULATION PAY OF UNUSED SICK LEAVE DAYS

After accumulating 90 days unused sick leave, an employee may choose whether to continue accumulating sick leave to a maximum of 120 days or to be paid for each day accumulated in excess of 90 days. If the employee chooses to accumulate 120 days, the district will pay for any unused sick leave days beyond that point.

When payment of unused sick leave days is required, eligible employees who work five (5) hours or more each day will be paid 50% of their daily rate of pay, not to exceed base substitute rate of pay or be less than \$36, for each eligible day. Employees who work less than five (5) hours per day will be paid 50% of their daily rate of pay, not to exceed half of the base substitute rate of pay or be less than \$18, for each eligible day.

Employees will be offered this choice before the end of each school year.

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. Except as provided in policy 8.36, 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 Reference: 8.12 – CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT
 8.23 – CLASSIFIED PERSONNEL FAMILY MEDICAL
 LEAVE
 8.36 – CLASSIFIED PERSONNEL WORKPLACE INJURIES
 AND WORKERS' COMPENSATION

Legal References: A.C.A. § 6-17-1301 etseq.
 29 USC §§ 2601 et seq.
 29 CFR 825.100 et seq.

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