

Staff Sick Leave

The Board recognizes that there may be times when an employee is unable to fulfill the duties of their position due to illness. Therefore, paid sick leave is provided for employees in accordance with this policy.

Accrual and use

Paid sick leave may be accumulated without limit at the rate of 6 days per year. Sick leave may be taken for the following reasons:

- personal mental or physical illness, injury, or health condition or the need to obtain medical care, or the need to evacuate from an employee's place of residence due to inclement weather or other unexpected events;
- personal medical appointments;
- or for the necessary care and attendance for the employee's family member or a member of the employee's immediate family who has a mental or physical illness, injury or health condition, the need to obtain medical care, or whose school or place of care has been closed due to inclement weather or other unexpected events;
- seeking medical attention or related services if the employee or a member of the relating employee's family has been the victim of domestic abuse, sexual assault, or harassment;
- the BOCES has been ordered to close by a public official due to a public health emergency;
- the school or childcare provider for the employee's child has been ordered to close by a public official due to a public health emergency and the employee needs to be absent from work to care for their child; or
- bereavement, including funeral services and other financial or legal matters, after the death of a family member.

For sick leave purposes, the term "family member" means a member of the employee's immediate family (a person who is related by blood, marriage, civil union, or adoption), a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when the employee was a minor, or a person for whom the employee is responsible for providing or arranging health- or safety-related care. Exceptions may be made by the executive director.

Documentation may be required for approval of taking four or more consecutive paid sick days. Any health or safety information relating to an employee or employee's family member will be maintained on a separate form and in a separate file from other personnel information, treated as confidential medical records, and will not be disclosed except to the affected employee or with the express permission of the affected employee.

Payment upon separation

Upon termination of employment for reasons other than retirement, an employee will be paid for a maximum of 12 days of accrued sick leave not taken based upon the average rate of pay for the employee during their last five years of employment. In the event of death, such payment will be made to the employee's estate.]

Reinstatement upon hiring

If an employee separates from employment with the BOCES and is rehired by the BOCES within 6 months after the separation, the BOCES must reinstate any paid sick leave that the employee had accrued but not used during the employee's previous employment if that accrued paid sick leave had not been paid out at the time of the separation.

Payment upon retiring

An employee who is eligible for retirement in accordance with the Public Employees Retirement Association will be paid for one-fourth of all accrued sick leave not taken based upon the average rate of pay for the employee during their last five years of employment not to exceed payment for more than 30 days of accrued sick leave.

Additional leave during a public health emergency

In addition to the paid sick leave generally accrued, on the date a public health emergency is declared the BOCES will supplement each employee's accrued paid sick leave as necessary to ensure that full-time employees who work 40 hours or more in a week may take at least 80 hours of paid sick leave and that employees who work fewer than 40 hours in a week may take at least the greater of the number of hours the employee is scheduled to work in a 14-day period or the average time the employee works in a 14-day period. The BOCES may count an employee's unused accrued paid sick leave toward the supplemental paid sick leave.

An employee may use the supplemental paid sick leave until 4 weeks after the official termination or suspension of the public health emergency. Leave under this provision may be taken for the following reasons:

- self-isolation or seeking medical care or treatment due to a diagnosis or symptoms of a communicable illness that is the cause of a public health emergency;
- caring for a family member who is self-isolating or seeking medical care after being diagnosed or is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
- a determination from a local, state, or federal public official or health authority that an employee or a member of the employee's family that the employee cares for poses a risk to the health of others;
- caring for a family member when the individual's school or place of care has been physically closed due to a public health emergency; or
- an employee's inability to work because of a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

Documentation is not required to take paid sick leave during a public health emergency.

Nondiscrimination

The Board, the executive director, other administrators and BOCES employees will not unlawfully discriminate, take adverse action, or retaliate against any employee who takes, attempts to take, or supports taking paid sick leave in accordance with this policy, files a complaint or informs any person about an alleged violation of the Healthy Families and Workplaces Act, or participates in an investigation, hearing, or proceeding related to such matter.

Notice

To reduce unlawful discrimination and to ensure a healthy workplace environment, the administration is responsible for providing notice of this policy and the poster created by the Colorado Department of Labor and Employment to all BOCES employees. The policy must be referenced in employee handbooks and otherwise be made available to all staff through electronic or hard-copy distribution.

(Adoption date)

LEGAL REFS.: C.R.S. 2-4-401 (*definition of immediate family*)
C.R.S. 8-13.3-401 et seq. (*Healthy Families and Workplaces Act*)

CROSS REFS.: GBGF, Federally-Mandated Family and Medical Leave
GBGH, Sick Leave Bank
GBGL, Staff Victim Leave
GBJ, Personnel Records and Files

NOTE 1: BOCES must retain records for each employee for a 2-year period, documenting hours worked, paid sick leave accrued, and paid sick leave used. These records are subject to audit by the Colorado Division of Labor Standards and Statistics in the Department of Labor and Employment. C.R.S. 8-13.3-409(1).

NOTE 2: The Healthy Families and Workplaces Act does not apply to employees covered by a bona fide collective bargaining agreement in effect on the effective date of January 1, 2021 if the collective bargaining agreement provides for equivalent or more generous paid sick leave. It also does not apply to employees covered by a collective bargaining agreement that is initially negotiated or negotiated for the next collective bargaining agreement after the effective date of January 1, 2021 if the paid sick leave requirements are expressly waived and the collective bargaining agreement provides for equivalent or more generous paid sick leave.

[Revised July 2023]
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