

Personal Leave Appeals Team Recommendations

Purpose

The purpose of this appeals process is to consider applications for exceptions to the salary dock imposed under the negotiated and board approved policy regarding district “non-eligible days.” Non-eligible days were defined as the first or last student days of school or the day immediately before or after any school holiday or break.

Recommended Practices

Exceptions to the above policy will be granted upon documentation *without appeal* for the following absences:

- Family Medical Leave Act eligible
- Jury Duty

Exceptions to the above policy will *likely* be granted upon appeal for the first two absences from either of these categories in any rolling three year period:

- Medical events involving employee or immediate family member
- Events eligible for district bereavement leave

All other instances must be successfully appealed in order for an exception to be granted.

Appeals Process

1. A complete Exception Request Form must be submitted to the district office no later than *fourteen calendar days* after the first school day following the absence.
2. The Appeals Team will meet quarterly to review pending appeals.
3. The Appeals Team will communicate results of the appeal to appellant within ten days of the appeals meeting.
4. If the appellant disagrees with the Appeals Team decision, the appellant may appeal the decision to the School Board.

Guiding Principles for Appeals Team

1. The appeals process is designed to accommodate *significant life events* that are outside of the employee’s control.
2. When the Appeals Team is considering an appeal, the first consideration should be *is the absence as described due to a significant life event where the employee has little choice over being absent?* If so, then the Appeals Team should be pre-disposed to approve the appeal but may require specific documentation.
3. If the absence is due to an event resulting from an employee’s *choice* to be absent, then the Appeals Team should be pre-disposed to deny the appeal, but should consider all documentation and rationales presented.
4. An employee’s past attendance history can be a factor considered by the Appeals Team when reviewing an appeal.

**Personal Leave Appeals Team
Recommendations**

File: GCAA-E-2

Illustrative Scenarios

This table illustrates possible scenarios that might result from the process. These are for illustration only, and not an exhaustive or necessarily prescriptive list.

Scenario	Outcome
Employee gives birth on the last day before Christmas Vacation	Covered by Family Leave Medical Act - no appeal necessary, employee will not be docked as long as FMLA required documentation has been completed.
Employee is chosen for Jury Duty the last day before Spring Break	Employee has no choice. No appeal necessary, employee will not be docked as long as documentation of jury duty selection is provided.
Employee's child is injured two days before a break and has emergency surgery scheduled at XYZ Hospital in Denver the next day.	Appeals Team would be highly pre-disposed to approve this exception request (little choice on the employee's part)
Employee's cousin is getting married in Hawaii the day after Christmas Vacation begins. Employee flies to Hawaii the last school day before Christmas vacation.	The employee can choose whether attending the event is worth sacrificing a day's pay, but may also choose to appeal. Appeals Team would be pre-disposed to deny this exception request (choice on the employee's part).
Employee's daughter is graduating from college in New Hampshire the day after the last school day of the year and the employee misses the last student day to fly to New Hampshire. The employee has served the district for many years and seldom used all his/her personal days and was always present on days before breaks.	The employee can choose whether attending the event is worth sacrificing a day's pay, but may also choose to appeal. In this case, even though the employee has a choice, the Appeals Team could be more favorably disposed to approving an exception for this absence by considering as a mitigating factor the employee's track record of impacting students through consistent presence in the classroom, particularly on key days, and this being the employee's first ever request for missing a key day .
Employee's daughter is graduating from college in New Hampshire the day after the last school day of the year and the employee uses his/her last personal day of the year to fly to New Hampshire. The employee has served the district for four years and typically uses all his/her personal days.	The employee can choose whether attending the event is worth sacrificing a day's pay, but may also choose to appeal. In this case, the Appeals Team would very likely find no compelling reason to approve the exception.