

VTA/BOARD INTERPRETATION BULLETIN NO. 35

DATE: November 28, 2003

ARTICLE G.9. : COMPASSIONATE LEAVE OF ABSENCE

* This is the old numbering, now it is Article G.28 *

9.1 When a teacher requests leave of absence for compassionate reasons of serious illness within the immediate family, such leave shall be granted, with pay, to a maximum of eight (8) days annually. Additional days, with pay less the composite cost of a teacher on call may be granted at the Board's discretion.

9.2 Where leave of absence is granted under this Article, the Board may require that the teacher provide a certificate of proof of such illness from a duly qualified medical practitioner.

Background

Over the past number of years compassionate leave requests have grown significantly in number and have also expanded the use and intent of compassionate leave. Oftentimes, understandably, the compassionate leave requests come in after the fact and therefore, approval or non-approval would be given after the fact. Many compassionate leave requests are given to TOC dispatch by phone and many of these requests have not been followed through with appropriate documentation and approval. This interpretation is intended to clarify the issues surrounding compassionate leave.

The intent of this leave, when negotiated by the Board and the VTA, was to provide a leave opportunity for teachers who unfortunately got caught in the situation of having to attend to a serious illness of an immediate family member.

Definitions

What is a serious illness? Who is included in the definition of immediate family?

The definition of serious illness is:

1. A serious emergent incident when serious illness or injury occurs and requires an immediate response.
2. A scheduled procedure that has significant implications for the individual, such as significant risk of death and/or permanent impairment. Additional medical information may be requested to help determine the appropriateness of an employee's request for compassionate leave.

The definition of immediate family includes parents, wife, husband, sister, brother, child, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law and sister-in-law. In addition to those listed, common law partners are also included as immediate family members.

Guidelines and Procedures

The following guidelines and procedures for processing the leave request will be used.

When a **serious emergent incident** occurs, the teacher is responsible for reporting their absence to the TOC Dispatch. When the teacher returns to work, they will complete the leave of absence form and provide the administrator with a description of the incident and any documentation they may have available. If this incident clearly fits into the compassionate leave criteria, the administration will approve the leave request by signing the leave form and forwarding it to the District Teaching Personnel Department.

If the incident falls into the "gray" area, where a quick decision cannot be made, the Administrator will contact the Director of Instruction - Teaching Personnel to discuss any necessary next steps, such as, requesting medical information to clarify the serious emergent incident involving serious illness or injury. The Director may also consult with the VTA President prior to advising the school administrator. After receiving all of the available information, a decision to accept or deny the leave as a compassionate leave request will be made and communicated to the teacher.

If, in the opinion of the administrator, the incident does not qualify for a compassionate leave, he/she would discuss and review the decision with the Director of Instruction and then, clarify with the teacher, why the compassionate leave request has been denied. Short Term discretionary leave may be approved with pay, less the composite rate of a TOC or without pay, (already used the 5 discretionary days available) depending upon the specific employee's situation. Other leave possibilities may also be considered.

Examples

1. An immediate member of the family has had a preliminary diagnosis of a serious medical condition (eg. cancer, heart/stroke, first epileptic seizure, etc) and the patient is admitted immediately for testing or exploratory surgery. **Approved**

Rationale: The immediacy of the situation and the unknown nature of the medical condition require the immediate family member to be involved/available.

2. A child is waiting for surgery (hernia). The teacher does not know when the surgery will take place and he/she will only be given notice the day before. **Consult with the Director; gather more information from the teacher and/or Physician.**

Rationale: Approval may be contingent on a number of factors: exact nature of the operation/procedure, age of the child, stresses impacting the teacher about the operation/procedure, etc.

3. An immediate member of the family is scheduled for a medical procedure (day surgery). The doctor/hospital requires that for the patient to be discharged he/she must be picked up by someone (the patient is not allowed to drive). The doctor may even suggest/require that someone observe the patient for a period of time at home. **Consult with the Director - each individual case to be assessed on the specific circumstances involved.**

Rationale: This is not necessarily a serious medical condition or serious emergent incident. It is known and predictable. Although it may be inconvenient or even impossible, for the patient to arrange to have someone other than the spouse take care of the situation, it would not be a requirement, or even an expectation, by the medical community that this must be done by the spouse and/or parent. When an employee wishes to attend a medical procedure for a family member that is not deemed serious (no risk of death and/or permanent impairment), short term discretionary leave may have to be used (up to 5 days).

4. A teacher's child (age 6) has come down with a cold and will not be able to attend school. The teacher decides they must stay home with the child. **Not approved as compassionate leave.**

Rationale: This situation does not usually fall into the category of serious illness. It is expected that the teacher would have made previous arrangements with another adult/caretaker for when this situation might arise. When an employee feels they must stay home because of a child's illness, they must request a short term discretionary leave - leave with pay, less the composite rate of TOC costs or a short term sick leave because they are legitimately ill, due to severe lack of sleep, etc.

Once again, the objective for using these guidelines and procedures is to help ensure the District's consistency when deciding on compassionate leaves.