




Texas Classroom Teachers Association Tuesdays with TCTA

This informational presentation does not constitute legal advice or create an attorney-client relationship. TCTA members may call the Legal Department (888.879.8282) to speak with a staff attorney.

© Texas Classroom Teachers Association 2022



LEAVES AND ABSENCES

November 1, 2022

How do State and Local Leave Compare?

State: Texas Education Code Sec. 22.003

(a) A state minimum personal leave program consisting of five days per year personal leave with no limit on accumulation and transferable among districts shall be provided for school district employees. School districts may provide additional personal leave beyond this minimum. The board of trustees of a school district may adopt a policy governing an employee's use of personal leave granted under this subsection, except that the policy may not restrict:

- (1) the purposes for which the leave may be used; or
- (2) the order in which an employee may use the state minimum personal leave and any additional personal leave provided by the school district

Local:

Most districts allow for local leave in board policy DEC (LOCAL), usually 5-7 days. With this type of leave, the District can choose the purposes for which the leave may be used and can place restrictions on accumulation, but must apply the policy uniformly.

Law and Policies Relating to Leave

TEX. EDUC. CODE § 22.003

<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.22.htm#22.003>

District Policy Manual (District Website)
Policies DEC(Local) and DEC(Legal) (starting point)

Employee Handbook

Questions

Do districts have to make available the specifics of the ways accrued leave is used, calculated, and if paid at retirement?

Can a district decide to deduct from local or our state leave when it is for a family member's medical reason, such as staying home to care for a sick child?

Disclosing Reasons for Taking Leave

When requesting time off, would it help to leave a comment describing the reason you're going to be out? Would it be better if it's for medical issues?

Can a principal deny a request to be absent? Do you need to advise the principal that you will be out, or is an email sufficient?

Limitations on Use of State Personal Leave

TEX. EDUC. CODE § 22.003(a)

Districts may adopt a policy governing use of state personal leave, but may not restrict purposes for which the leave may be used.

Amaral-Whittenberg v. Castleberry ISD,
Dkt. No 003-R10-901 (Comm'r Educ. 2002)

Questions

When can absence requests be denied?

Can I be denied requests for time off during STAAR or other testing days?

Am I allowed to take concurrent days off due to a family member's trial?

Question

Can teachers be docked pay and lose a personal day for taking off the day before or after a holiday?

Local Leave

The school district I work for withholds local leave days requiring employees to earn 1/2 day per pay period. Is this right?



Leave and Retirement

Teacher Retirement System of Texas

(800) 223-TRST (8778)

(For retirement questions, please call TRS.)

Question

Can teachers use accumulated leave to satisfy the 90-working-day requirement for fall semester retirement?

https://www.trs.texas.gov/TRS%20Documents/brochure_texas_service_credit.pdf (page 2)



Question

What if I go over my remaining allotted leave time before my retirement date?

Questions

Do 50 days of state leave still count as one year toward retirement? Is that state or district policy?

Can you still exchange 50 days of unused state leave for one year of service upon retirement? Do you see this ever going away?

Question

I want to use my accrued days before I retire. I am getting push back from admin. Can they block me from taking my earned days off?

Other Types of Leave & Leave Issues

Is it a good practice to donate one's leave days to another (such as one receiving chemo)?

Do we have to use our sick time for taking days after the death of an immediate family member?

How does leave affect time for inclusion teachers? Our schedules are so full, there isn't much chance to makeup time.

Questions

Our principal is requiring us to fill out a form before ALL absences and get them approved. We already do that with Frontline. Can they require extra forms or specific procedures?

Can we be penalized for absences if we're gone and don't have leave time, or if we take time that wasn't approved?

Should schools still be allowing extra days for those who test positive for covid?

The End



Male, female, juvenile warthogs
Kruger Park, South Africa