

BALDWIN COUNTY BOARD OF EDUCATION  
LEAVE-OF-ABSENCE REQUEST

<b>HR Office Use ONLY!!</b>	
Agenda <input type="checkbox"/>	Addendum <input type="checkbox"/>
Board Date _____	
Approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>
HR Administrator _____	

**PART I**

**Employees who have a foreseeable absence of two weeks or longer are required to request an official leave of absence to be submitted for Board consideration. All LOA requests should be submitted to the HR office at least TWO WEEKS PRIOR to the first date of the employee absence and supporting documentation must be attached. Unforeseeable LOA requests and supporting documentation should be forwarded to the HR office as soon as it is determined there is a need for leave.**

Name \_\_\_\_\_ EmpNo \_\_\_\_\_ Home phone \_\_\_\_\_

School/Site \_\_\_\_\_ Position/Grade/Subject \_\_\_\_\_

Hours/Day \_\_\_\_\_ Calendar/Job Days \_\_\_\_\_

Reason for Request \_\_\_\_\_  
(Medical, Maternity, Prof Study, Personal, etc.)

Dates Requested \_\_\_\_\_  
Approximate Beginning \_\_\_\_\_ Anticipated Return Please **DO NOT list unknown or leave blank**  
A date is **REQUIRED** A date is **REQUIRED**

**SUPPORTING DOCUMENTATION BELOW MUST BE ATTACHED FOR REVIEW BY HUMAN RESOURCES:**

- Medical Leave (employee, employee’s spouse or family member) – medical verification issued by the appropriate health care provider that includes the beginning date of leave and an expected date of return
- Professional Study Leave –a copy of official registration/course schedule information from college/university
- Personal Leave for an extended period – a detailed explanation from the employee explaining the need for leave
- Military Leave – a copy of orders

**By signing below, I acknowledge that it is my responsibility to review and be in compliance with board policy in regard to my leave-of-absence.**

\_\_\_\_\_  
Employee Signature Date Principal/Supervising Administrator Signature

**Board Policy 5.12.2**

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible.

Employees who have a foreseeable absence of two weeks or longer are required to request an official leave of absence for Board consideration. Leaves of absence, paid or unpaid, may be requested for up to one year. Leave of absence requests shall be approved on a case by case basis. No employee, except as otherwise provided under applicable law, is guaranteed or entitled to a leave of absence.

Leave of absence requests for medical reasons of an employee or an employee’s spouse or family member must be supported by medical verification issued by the appropriate health care provider and include an expected date of return. The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider’s certification in form acceptable to the Superintendent in order to return to work.

Employees are not allowed to take unpaid leave at their discretion. Unpaid leave is not allowed unless an employee obtains prior approval by the Board and/or unless unpaid leave is provided for under applicable State or Federal law.

Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Leaves or absences not covered by sick, annual, personal, or other appropriate form of paid leave will be unpaid. Associated reductions in pay will be administered in accordance with payroll procedures. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

**BALDWIN COUNTY BOARD OF EDUCATION  
LEAVE-OF-ABSENCE FORM**

**PART II**

**COMPLETE THE LAST DAY WORKED PRIOR TO LEAVE**

Name \_\_\_\_\_ EmpNo \_\_\_\_\_

School/Site \_\_\_\_\_ Position/Grade/Subject \_\_\_\_\_

Last Date Taught/Worked \_\_\_\_\_

If request is due to **Military leave**, please indicate the number of days below you wish to utilize, if applicable:

PERSONAL \_\_\_ ANNUAL \_\_\_ COMP \_\_\_

The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in a form acceptable to the Superintendent in order to return to work. In these cases, the HR office should receive medical verification certifying the employee is cleared to return to work. This should be received in the HR office PRIOR to the employee's first day back.

By signing below, I understand that if required, it is my responsibility to provide the HR office with the appropriate medical certification prior to returning to work from my leave-of-absence.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal/Supervising Administrator Signature

**BALDWIN COUNTY BOARD OF EDUCATION  
LEAVE-OF-ABSENCE DATE OF RETURN FORM**

**PART III**

**COMPLETE THE DATE OF RETURN**

Name \_\_\_\_\_ EmpNo \_\_\_\_\_

School/Site \_\_\_\_\_

Position/Grade/Subject \_\_\_\_\_

Date Returned \_\_\_\_\_

By signing below and if applicable, I acknowledge that I have provided the HR office with medical verification certifying that I have been cleared to return to work.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal/Supervising Administrator Signature

**Forward to the Office of Human Resources Immediately Upon Return to Work**

**The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in a form acceptable to the Superintendent in order to return to work.**

**LEAVE-OF-ABSENCE REQUEST FOR AN EXTENSION**

Please extend my leave through the date listed below.

Name \_\_\_\_\_ EmpNo \_\_\_\_\_

School/Site \_\_\_\_\_

Position/Grade/Subject \_\_\_\_\_

Hour/Day \_\_\_\_\_ Calendar \_\_\_\_\_

Reason for Request \_\_\_\_\_ New Anticipated Return Date: \_\_\_\_\_  
(Medical, Maternity, Prof Study, Personal, etc.) A date is **REQUIRED**

**SUPPORTING DOCUMENTATION BELOW MUST BE ATTACHED FOR REVIEW BY HUMAN RESOURCES:**

- Medical Leave – a physician’s statement indicating the need for leave and a designated date of return to work
- Professional Study Leave –a copy of official registration/course schedule information from college/university
- Personal Leave for an extended period – a detailed explanation from the employee explaining the need for leave
- Military Leave – a copy of orders

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal/Supervising Administrator Signature



BALDWIN COUNTY BOARD OF EDUCATION LEAVE OF ABSENCE MEDICAL VERIFICATION

To be completed by a physician and submitted with the appropriate leave of absence request. This is a required form for all Leave of Absence Requests & Catastrophic Illness Requests.

Please supply all requested information. Attach additional sheets if more space is needed to fully explain condition.

(Please type or print legibly)

Name: \_\_\_\_\_ Social Security Number: \*\*\*-\*\*-\_\_\_\_\_

Employee Number: \_\_\_\_\_ Base School/Station: \_\_\_\_\_

Position: \_\_\_\_\_ Home Telephone Number: \_\_\_\_\_

Home Address: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

Date illness/injury began: \_\_\_\_\_ Likely or anticipated, duration of the condition, illness or injury \_\_\_\_\_

Likely or anticipated Return to Work Date (Specific Date Required): \_\_\_\_\_

Is this a catastrophic illness/injury? YES NO

\*A "Catastrophic Illness" is defined as any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time, i.e. at least 30 consecutive calendar days.

Appropriate medical facts within the knowledge of the physician to substantiate the medical condition requiring a leave of absence, and if catastrophic, to substantiate the serious medical condition or catastrophic illness/injury: (Attach additional sheets if more space is needed.)

If employee is to care for sick spouse, child or parent, state conditions/reasons why employee must care for this person:

Due to the employee's health condition, and your understanding of the employee's job functions, is this employee able to perform the essential functions of the job? [ ] YES [ ] NO

If NO, can he/she do so with accommodations? [ ] YES [ ] NO

If YES, suggested accommodations: \_\_\_\_\_

Name of Physician: \_\_\_\_\_ Office Telephone: \_\_\_\_\_

Name of Practice/Medical Specialty: \_\_\_\_\_

Office Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

By my signature, I verify the employee named above is incapacitated due to the health condition, illness, or injury described above, and thereby unable to perform his/her job during the stated time period.

Signature of Health Care Provider (Stamps NOT accepted.)

Date



**BALDWIN COUNTY BOARD OF EDUCATION  
CATASTROPHIC SICK LEAVE REQUEST**

Catastrophic Sick Leave is approved only when an employee is away from his/her duties for a period of 30 consecutive calendar days as verified by a physician on a Medical Verification of Catastrophic Illness form.

With this request you must provide a **Medical Verification of Catastrophic Illness** completed by a physician. If approved, you must obtain and submit completed Catastrophic Sick Leave Transfer Authorization forms reflecting donated leave.

**Note:** If your request for catastrophic leave is approved, donated days will not be applied until your available sick leave, to include 10 days borrowed from the Sick Leave Bank, your two state allocated personal leave days, and annual days if applicable, have been used. These days will automatically be applied to your absences before donated sick leave will be applied.

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*(Please type or print legibly)*

Name: \_\_\_\_\_ Social Security Number: \*\*\*-\*\*-\_\_\_\_\_

Employee Number: \_\_\_\_\_ Base School/Station: \_\_\_\_\_

Position: \_\_\_\_\_ Home Telephone Number: \_\_\_\_\_

Home Address: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

I request approval of Catastrophic Sick Leave and application of donated sick leave days to my days absent from work. I understand that should I return earlier than the number of days donated, the remaining days will be returned to donors. I also understand that before I can receive donated days, any available sick leave, 10 days from the sick leave bank, my two state personal leave days, and any annual leave if applicable, will be used first.

\_\_\_\_\_  
SIGNATURE OF EMPLOYEE REQUESTING LEAVE

\_\_\_\_\_  
DATE

Send Completed Form to: Baldwin County Board of Education  
Attn: Human Resources Department/Catastrophic Leave Request  
2600-A North Hand Avenue  
Bay Minette, AL 36507  
eMail to: Brittany Morgan / bmorgan@bcbe.org

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*(For Payroll Office Use Only)*

Date Submitted to Sick Leave Bank Committee: \_\_\_\_\_

Sick Leave Bank Committee Recommends:  **Approval**  **Denial**

Director or Business and Finance: \_\_\_\_\_ Date: \_\_\_\_\_

Processed By Payroll Specialist: \_\_\_\_\_ Date: \_\_\_\_\_

# Employee Leave

**Absences** – Except as otherwise authorized by Board policy, employees may be absent from work only in the following circumstances:

- a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leave under state law or the Family Medical Leave Act;
- b. Personal Leave;
- c. Annual Leave;
- d. Professional Leave;
- e. Military Leave;
- f. Court Leave;
- g. Other unpaid leave that is specifically approved by the Board upon showing of substantial hardship or extraordinary circumstances, and/or unpaid leave allowed under applicable State or Federal law.

Employees who know in advance that they will be absent from work must notify the Board of the expected absence in accordance with procedures specified by the Superintendent or the Board. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify the Board of their absence as early as possible.

Employees who have a foreseeable absence of two weeks or longer are required to request an official leave of absence for Board consideration. Leaves of absence, paid or unpaid, may be requested for up to one year. Leave of absence requests shall be approved on a case by case basis. No employee, except as otherwise provided under applicable law, is guaranteed or entitled to a leave of absence.

Leave of absence requests for medical reasons of an employee or an employee's spouse or family member must be supported by medical verification issued by the appropriate health care provider and include an expected date of return. The Board may require an employee who has taken leave due to medical reasons to provide the Board with a healthcare provider's certification in form acceptable to the Superintendent in order to return to work.

Employees are not allowed to take unpaid leave at their discretion. Unpaid leave is not allowed unless an employee obtains prior approval by the Board and/or unless unpaid leave is provided for under applicable State or Federal law.

Except as otherwise provided or permitted, an employee who is absent from work without approved leave will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Leaves or absences not covered by sick, annual, personal, or other appropriate form of paid leave will be unpaid. Associated reductions in pay will be administered in accordance with payroll procedures. The continuation of benefits during an approved absence is subject to the provisions of the particular benefit policy or plan.

## **Paid Sick Leave**

- a. *Persons Eligible for Paid Sick Leave* – All regular full-time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for by state law. Eligible employees may accumulate sick leave as provided by state law.
- c. *Use of Sick Leave.* – Eligible employees may only use paid sick leave for absences caused by the following:
  - a. Personal illness;
  - b. Incapacitating personal injury;
  - c. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
  - d. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt or uncle;
  - e. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition may be required by the Board. Abuse of sick leave may subject the employee to disciplinary action. [Reference: ALA. CODE §16-1-18.1 (1975)]

9-MONTH employee will earn August – April

10-MONTH employees will earn August – May

11-MONTH employees will earn August – June

12-MONTH employees will earn July – June

## **Sick Leave Bank Guidelines**

**Statement of Intent** – The purpose of the Sick Leave Bank (SLB) is to provide a loan of sick leave days for contributors to the bank after their accumulated sick leave days have been exhausted.

### **I. SLB Committee:**

- A. The SLB Committee shall consist of five members, one representing the Board of Education and four representing the participating members of the SLB.
  - 1) Employees will represent BCEA, BCAPE and BESPO.
  - 2) The Superintendent shall appoint the Board's representative on the committee, subject to Board approval.
  - 3) At the beginning of each scholastic year, an election shall be held among the SLB members to determine by secret ballot the four members who are to serve on the SLB Committee. The term of office shall be one year. The Superintendent shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process.
- B. Notwithstanding any other provision of law to the contrary, it shall be the exclusive responsibility of the SLB Committee to establish the guidelines and administrative procedures of the SLB, including the catastrophic leave provisions of this section. It shall also be the Committee's duty to establish all necessary forms for the orderly operation and administration of the SLB and catastrophic leave provisions of this section. The Committee will submit guidelines and forms to the employees and Superintendent for approval and use in accounting for the SLB. To ensure the orderly transfer and acceptance of catastrophic sick leave days from one SLB to another, the State Board of Education shall provide a uniform state form.
- C. The SLB Committee will elect, by majority vote, a chairperson from among its representatives at its first annual meeting. Once the Committee has been elected and formed, the members shall meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- D. The guidelines of the SLB as established by the SLB Committee shall be approved by a secret ballot vote of the participating members of the SLB. The accounting of the SLB shall be the responsibility of the Board of Education. The respective parties shall fill vacancies occurring on the Committee. No representative on the Committee shall serve for a term longer than five years.
- E. Any alleged abuse of the SLB shall be investigated by the Committee and, on finding of wrongdoing; the violator shall repay all the sick leave credits drawn from the SLB and be subject to appropriate disciplinary action by the Baldwin County Board of Education.

### **II. Guidelines for the Baldwin County Board of Education SLB**

- A. The SLB shall allow the employees to deposit one day of his or her earned sick leave into the bank. The day deposited shall be available to be loaned to any participating member whose sick leave has been exhausted.
- B. Any full-time employee of the Baldwin County Board of Education is eligible to join the SLB. Participation shall be on a voluntary basis.
- C. The Payroll Department will distribute contribution forms to all eligible employees. To join the SLB, the full-time employee of the Board shall complete the authorization form contributing one day to the SLB or committing one day to the SLB.
- D. The contribution or commitment of the sick leave day into the SLB must take place during a set enrollment period that shall be from Teacher Institute Day through September 30<sup>th</sup> or on the date of hire. Employees who have previously failed or refused to join the SLB may not join at a later date during the same school year. Such employees must wait until the annual open enrollment period to join.
- E. The Payroll Department will maintain accurate records of contributors eligible to participate in the SLB. The SLB shall be terminated if the participation falls below 25% of eligible employees.
- F. To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account. Any sick leave drawn from the bank by a participating employee shall be used in accordance with the definition of the sick leave set forth in Section 16-1-18.1 of the Code of Alabama and the Baldwin County Board of Education policies and procedures.
- G. No employee shall be allowed to owe more than 10 days to the SLB, unless over 50 percent of the members of the bank vote to extend the limit.
- H. Sick leave days shall be repaid to the SLB monthly as re-earned by the member. Upon the resignation, retirement or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.
- I. The SLB Committee shall investigate any alleged abuse of the use of the SLB. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the SLB and be subject to other appropriate disciplinary action as determined by the local authority.
- J. Upon retirement or transfer of the SLB member, days on deposit with the SLB shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.
- K. Before being eligible to use catastrophic sick leave days, the member of the SLB shall first borrow and utilize days from the SLB, up to a maximum of 10 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the SLB to the credit of the affected member.

**Catastrophic Sick Leave**— In accordance with ACT 95-386, which amends Section 16-22-9 of the Code of Alabama, the Board of Education provides Catastrophic Sick Leave to employees who are members of the Sick Leave Bank and who suffer a catastrophic illness. A “Catastrophic Illness” is defined as any illness, injury, or pregnancy or medical condition related to childbirth, certified by a licensed physician which causes the employee to be absent from work for an extended period of time, *i.e.* at least 30 consecutive calendar days.

- a. Employees, at their discretion, may donate a specific number of days to the SLB to be designated for a specific employee for use against a catastrophic illness as defined by this section. A donating employee shall not be required to donate a minimum number of catastrophic days to the SLB. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Section 16-1-18.1.
- b. An employee must be a member of the SLB to donate catastrophic sick leave days. An employee must be a member of the SLB and must be tenured or non-probationary in order to receive donated catastrophic sick leave days.
- c. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all available sick leave and personal leave, to include the 10 days borrowed from the Sick Leave Bank and annual days and compensatory time if applicable. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the SLB for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the SLB Committee. No employee may donate more than 30 sick leave days, exclusive of the provisions of subsection (e), to the SLB for the catastrophic sick leave of any one employee. An employee that donates sick leave days must ensure that they leave a minimum of 10 sick leave days in their account. An employee may be granted a waiver for the 10-day minimum if they are donating leave due to impending retirement. A SLB is authorized to donate sick leave days to another SLB for use by a particular employee who is suffering a catastrophic illness. No limit is established on the number of days a beneficiary employee may receive from donors.
- d. A recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Section 16-1-18.1. *e.g.* the employee’s immediate family (parent, spouse, child, foster child currently in the care and custody of the employee, sibling) or an individual with a close personal tie.
- e. A beneficiary employee may earn regular sick leave while on catastrophic leave donated by other employees; however, the beneficiary employee must use the day earned each month as it is earned.
- f. An employee who donates sick leave for catastrophic illness purposes may still accumulate the maximum number of days allowed by law.
- g. Donated catastrophic sick leave may be used to repay days owed to the sick leave bank by the recipient employee.
- h. Donated days not used by a beneficiary employee shall revert to employees who donated the days. (The days should revert on a proportionate basis based on the number of days donated. After the beneficiary employee returns to work, a period of 30 days should pass before unused days are returned to donors.)

### **Procedures for Requesting Catastrophic Sick Leave**

1. Employee must submit the following completed and signed **original** forms:
  - a. A Catastrophic Sick Leave Request.
  - b. A Medical Verification for Catastrophic Illness/Injury completed by employee’s physician.
2. Employee must submit forms to the Payroll Department.
3. The Payroll Department will immediately submit documents to the Sick Leave Bank Committee.
4. The Sick Leave Bank Committee must either approve or disapprove Request for Catastrophic Sick Leave within 48 hours and notify Payroll Department with a faxed or emailed decision.
5. Upon receipt of Committee’s decision, Payroll Department will notify employee of decision.
6. If approved, the donating employee and the beneficiary employee must complete and submit to Payroll Department the transfer authorization form that is provided.
7. To receive catastrophic sick leave, the beneficiary employee should be away from his/her duties for a period of 30 consecutive calendar days or provide sufficient evidence to document that extenuating circumstances warrant exception of this clause. The SLB Committee will approve or disapprove any requests for a waiver.

**On-the-job injury** – On-the-job injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job. Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

- a. The employee submits a signed written account of the accident to the principal or supervisor within twenty-four (24) hours after the injury occurred. The written account shall be attested by the principal or supervisor and forwarded immediately to the Superintendent’s office. If the injured employee is not able to notify the Board, another person reasonably knowledgeable about the employee’s condition and circumstances leading to the injury may provide the required notification.
- b. The injured employee submits written medical certification from the attending licensed physician within ten (10) days of the injury, stating that the employee was injured and was unable to work or cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. The Board may require a second opinion from a Board specified physician, at its expense.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee’s salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave. The Board may require an employee who is returning from on-the-job injury leave to provide the Board with a healthcare provider’s certification in form acceptable to the Superintendent in order to return to work. [Reference: Alabama Code Section 16-1-18.1 (1975)]

**Personal Leave** – All regular, full time employees are eligible for two (2) noncumulative personal leave days each scholastic year without loss of pay. Personal leave should not interfere with the school systems’ ability to operate in an efficient and effective way. Except in emergency situations, personal leave must be requested with the employee’s principal or supervisor as far in advance of the requested date as possible, but no later than five (5) working days prior to the first date of anticipated leave. A request for personal leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for personal leave.

The following provisions should apply to personal leave:

- a. Leave must involve minimum interruption to the educational program or department. The principal or supervisor will take into consideration the total number of personnel to be away for any reason and the extent to which provisions for all teaching assignments and duties can be made.
- b. No employee shall be requested to divulge his or her reasons for requesting such leave, except that employees may be asked to certify whether such leave is being taken for reasons covered under the Family Medical Leave Act.
- c. Employees may not take personal leave immediately before or after a holiday or during the first or last two weeks of the students’ school year, except in circumstances approved by the immediate supervisor of the employee in advance.
- d. Employees may not take personal leave on scheduled professional development days, except in such circumstances approved by the immediate supervisor of the employee in advance.
- e. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for personal leave.
- f. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.

Teachers may choose to be compensated for unused personal leave at the end of the school year at the same daily rate of pay used for substitute teachers. For full time employees unused personal leave days will be converted to sick leave days at the end of the school year.

The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.  
[Reference: ALA. CODE §16-8-26 (1975)]

## **Annual Leave**

- a. *Eligible Employees* – Twelve-month full-time employees are eligible for annual leave.
- b. *Annual leave Benefits* – Eligible employees will earn annual leave benefits as follows for each month in which the employee works a minimum of half of the applicable work days during said month:

<u>Months of Service</u>	<u>Annual Leave Benefits</u>
Less than 96 months	One (1) day per month
96 months or more	One and a half (1.5) days per month

Only consecutive service with the Board will be considered in establishing length of service for purposes of determining vacation benefits.

- c. *Accrual and Accumulation of Annual Leave* – Annual leave shall be earned monthly and must be earned before it can be used. Annual leave days may not be bought, sold, or donated. Up to forty-five (45) days of annual leave may be accumulated. Days in excess of forty-five (45) will be converted to sick leave. Accumulated, unused annual leave vacation time will be paid at the employee's daily rate of pay upon resignation, retirement, or death.
- d. *Scheduling* – Annual leave must be requested and approved in advance by the employee's principal or supervisor in accordance with such procedures as may be established by the Superintendent or the Board. The principal or supervisor should take into consideration whether the request for annual leave, if approved, will interfere with the school systems' ability to operate in an efficient and effective way.

**Professional Leave** – The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, or his or her designee, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent, or his or her designee. A request for professional leave must be made in accordance with such procedures as may be established by the Superintendent, or his or her designee. It is the responsibility of the principal or other immediate supervisor to determine whether the provisions set forth below are met in granting or denying the request for professional leave. Professional activities may include, but are not limited to:

- a. Accompanying students on school approved activities;
- b. Participation in professional development, conferences, seminars, etc.; and
- c. Attendance at conventions or meetings for professional education associations if the employee is an officer or delegate.

The following provisions shall apply to professional leave:

- a. Employees should confirm a substitute for their absence if a substitute is required so as to ensure the efficient and effective operation of the school and/or to ensure appropriate supervision of students. For all employees in which a substitute is required, if a substitute has not been secured, a principal or immediate supervisor may deny a request for professional leave.
- b. For all employees in which a substitute is required, employees must make adequate preparation for the substitute before departing.
- c. The Superintendent or his or her designee is hereby authorized to develop procedures and forms for implementing this policy.

**Military Leave** – Military leave is available to all eligible employees in accordance with state and federal law.

**Court Leave** – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-16-8) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

**Unpaid Education/Study Leave** – Permanent and full-time employees may be permitted an unpaid leave of absence for educational or study reasons for up to one year without loss of continuing service status upon the specific advance approval of the Board. The following terms and conditions will apply to any such request:

- a. The leave must not unduly disrupt the operation of the Board or school. Such leave must be taken in semester blocks;
- b. The leave of absence must be for the purpose of receiving additional educational training or engaging in other activities that will benefit the instructional program and/or the operation of the school or the Board. Said leave will not be approved for an employee who wishes to receive training for a position or job outside of education;
- c. An employee requesting leave must be a tenured employee and have at least five (5) years of service as an employee of the Board; and
- d. Request for such a leave of absence must be made on the leave request form developed by the Superintendent, with all requested information provided.

The Board retains the sole discretion to approve the request for such leave and may consider the extent of disruption to the Board, benefits to the school system that will be derived as a result of the leave, the ability to secure a suitable substitute for the period of leave, length of service of the employee requesting leave, and any other factor the Board deems appropriate. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from the leave at the discretion of the Board.

# Family Medical Leave Act (FMLA)

**Eligible Employees** – The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.

**Calculation of 12-month period** – The board uses a rolling 12-month period which is measured backward from the date an employee uses any FMLA leave. Under the rolling 12-month period, each time an employee takes FMLA leave, the remaining leave entitled is the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

**Medical Leave Provided by the Act** – Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee's own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self care due to physical or mental disability.

**Serious Health Conditions** – The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves the following:

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
  1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
  2. Pregnancy or prenatal care;
  3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
  4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
  5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

## **Military Family Leave Provided by the Act**

- a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. *Military Caregiver Leave* – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

**Spouse Employed by the Board** – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

**Intermittent Leave** – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

**Use of Vacation and Sick Leave** – If an employee has available sick leave, annual leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee's twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA

**Notice** – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.

**Certification for Medical or Military Caregiver Leave** – Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board reserves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

**Certification for Qualifying Exigency Leave** – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.

**Return to Work** – The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

**Maintenance of Benefits** – Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee that does not return to work after FMLA leave, will be required to reimburse the Board for the cost of benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (i) a continuing serious health condition suffered by either the employee or a family member, or (ii) other circumstances beyond the employee's control.

**Instructional Employees** – Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or his designee is authorized to develop additional information and guidelines concerning Instructional Employees.