

**EMPLOYEE LEAVE**

**6.70**

The Lanett City Board of Education recognized that there are occasions when circumstances interrupt the continuity of day-to-day performance of duty. Different kinds of leave shall be provided to accommodate those situations. Professional persons should acknowledge the fact that excessive absence from the classroom of the regular teacher is detrimental to the learning process; therefore, leave policies shall not be abused.

The Lanett City board of Education shall not pay employees for any accumulated leave when employment is terminated for any reason.

A. Sick Leave

In accordance with legislative Act 2001-671, employees shall accumulate sick leave at the rate of one (1) day for each month of employment or while on any authorized leave with pay. Employees can accumulate an unlimited number of sick leave days. Sick leave shall be administered in conformity with policies announced by the Alabama State Board of Education. An employee is eligible to use sick leave in the following situations:

1. Personal illness;
2. Bodily injury which incapacitates the employee;
3. Attendance upon an ill member of the employees' immediate family (parent, child, spouse, sibling) or an individual with a close personal tie;
4. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle or aunt);
5. Death, injury, or sickness of another person who has unusually strong personal ties to the employee.

The employee is required to state the reason for the absence on a leave form which may be obtained in the principal's office.

Should an absence extend beyond fifteen (15) working days, the employee must follow the procedure for securing extended leave by submitting a written application through the Superintendent. Arrangements then can be made to ensure that a quality learning environment is not unduly interrupted.

An employee may transfer earned and unused sick leave from one employer to another within the state of Alabama; however, no employee will be paid for unused sick leave.

The Lanett City Board of Education may require a doctor's excuse or other justification if there is probable cause to believe that sick leave is being abused or misused by an employee.

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### B. Leave Under Family and Medical Leave Act

Employees shall be entitled to leave under the provisions of the Family and Medical Leave Act as follows:

1. Eligible Employees: In order to be entitled to leave under the provisions of the Family and Medical Leave Act, an employee must have been employed by the Lanett City Board of Education for at least twelve (12) months and must have worked for at least 1,250 hours during that twelve (12) month period.
2. Reasons for which leave under the Act will be granted: An eligible employee is entitled to twelve (12) weeks of unpaid leave during a twelve (12) month period for the following reasons:
  3. The birth and first year care of a child; or
  4. The adoption of foster placement of a child; or
  5. In order to care for a spouse, or a son, daughter, or parents of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
  6. Because of serious health condition that makes the employee unable to perform the function of the employee's position. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
7. Conditions for Leave: The Board may allow or require that paid leave be taken before granting unpaid leave. Unpaid leave granted in compliance with the Family and Medical Leave Act, when combined with paid leave available to an employee, shall not exceed a combined total of twelve (12) weeks.
8. In the instance of birth, adoption and foster placement, the entitlement to leave for child care expires at the end of the twelve (12) week period beginning on the date of the birth or placement. Entitlement for leave associated with illness of a child occurs only where the child is under 18 years of age or incapable of self-care due to mental or physical disability.
9. In case where both spouses are employed by the Lanett City Board of Education, the combined amount of leave for child birth, adoption, foster placement or the care of a sick parent is limited to twelve (12) weeks.
10. Intermittent Leave: if medically necessary for a serious health condition of the employee or the employee's spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions that pertain to instructional employees. (Instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting.) The Board may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence of a part-time schedule provided the position has equivalent pay and benefits.

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When instructional employees seek intermittent leave in connection with a family or personal illness and when such leave would constitute at least twenty percent (20%) of the total number or working days in the period during which the leave would extend, the board may require the employee to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position within the school system, that is equivalent in pay, for which the employee is qualified and which better accommodates the intermittent situation.

11. Notification: Except where circumstances are such that reasonable advance planning is not possible, employees must provide the Superintendent at least thirty (3) days written notice of the date when leave is to begin. With respect to foreseeable family or employee illness, the employee shall make reasonable effort to schedule treatment- including intermittent and reduced hour leave – so as not to disrupt unduly the operations of the school district.
12. Certification: The Board requires that a request for leave based on the serious health condition of the employee, the employee's son, daughter, spouse, or parent be supported by a certification issued by the appropriate health care provider. The certification shall state (1) the date the serious health condition began, (2) the probably duration of the condition, (3) the necessity for the employee's leave, and (4) that the employee is unable to perform the employee's job functions. The Board reserves the right, at its own expense, to designate a second health care provider (other than a school district employee) to provide a second opinion. If the first and second opinions conflict, the Board can require, at its own expense, a third opinion by a health care provider approved by the Board and the employee. This opinion shall be binding. Upon the employee's return to work, the Board may require the employee to provide certification by the employee's health care provider that the employee is able to resume work.
13. Benefits: Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of health benefits during the leave period under the same conditions these benefits would have been provided if leave had not been taken. If any employee fails to return to work after the leave period expires, the Board may recover the health benefits premiums paid by the employer for the employee's benefit during the leave period.
14. Restoration to Same or Similar Position: Upon return, the employee is entitled to restoration to an equivalent position with equivalent pay, benefits, and conditions of employment. The Board may deny position restoration to an employee whose salary is in the highest ten percent (10%) of the employees employed by the Board if such denial is necessary to prevent substantial and grievous economic injury to the Board's operation.

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15. Because the end of the semester is a critical time for both teachers and students, the following conditions apply to request from instructional employees seeking to return from leave within the last three (3) weeks of the semester:
- a. If the employee begins any category of family and medical leave five (5) or more weeks prior to the end of the semester and the leave is for more than three (3) weeks, the district may require the employee seeking to return with the last three (3) weeks to wait until the next semester.
  - b. If the employee begins any category of family and medical leave except personal sick leave less than five (5) weeks before the end of the semester and the period of leave is greater than two (2) weeks, the district may require the employee seeking to return within the last two (2) weeks to wait until the next semester.
  - c. If the employee begins any category of family and medical leave except personal sick leave three (3) or fewer weeks before the end of the semester and the period of leave is greater than five (5) working days, the district may require the employee to wait until the next semester.

When an instructional employee's leave falls within one of the three categories above (a, b, or c), the required additional leave (for example, the last two weeks of the semester in category "a" is considered part of the available twelve (12) week unpaid leave period per year.

### C. Extended Leave

Extended leave is defined by the Board as any absence from work for more than fifteen (15) working days. Extended leave may be granted only for the period of time the employee is unable to perform assigned duties.

This period in no case shall exceed one (1) scholastic year. The Board recognized, in conformity with medical opinion, that the standard period of convalescence following pregnancy is six (6) weeks. Therefore, it shall be standard procedure to plan for extended leave in such cases to terminate six (6) weeks from the delivery date of the child.

An employee returning from extended leave shall be allowed to return to the position formerly held or one as nearly like it as possible.

If an employee should not return to work from extended leave within the time period agreed upon in conformity with the procedures stated in this policy, his/her contract will be voided. The procedures stated below must be followed:

1. An employee must submit written application to the Board through his/her immediate supervisor requesting extended leave along with a doctor's certificate

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verifying the illness/pregnancy. In the case of pregnancy, the certificate should state when such leave should begin.

2. The teacher, immediate supervisor, the Superintendent, and the attending physician shall cooperatively determine when extended leave is to begin and/or end. The doctor's certificate submitted with the request shall be a prime consideration in these decisions.
3. When or before extended leave has expired and the employee wishes to return to work, a doctor's certificate must be filed with the Superintendent verifying that the employee is able to perform the duties demanded

### D. Personal Leave

The Board, in keeping with state policy, provides two (2) of non-cumulative personal leave days each year for each employee. (State law 97-444 states that support employees must work "an average of at least twenty (20) hours weekly" to be eligible for personal leave.) Employees are allowed three (3) additional days of non-cumulative personal leave. If a certified or support employee uses those additional days of personal leave, his/her monthly check will be deducted at the rate of substitute pay for his/her position even if a substitute is not required.

At the end of the school year, certified employees have the option of being paid at the substitute teacher daily rate for any personal leave day that is not used or converting the personal leave day(s) not used into sick leave days. Support personnel may convert any personal leave days(s) not used to sick leave days.

Employees may not use personal leave during the first week of school, the last two (2) weeks of school, or on a day immediately before or immediately after a holiday, except in situations in which prior approval of a written request is granted by the immediate supervisor and Superintendent. No employee will be required to divulge reasons for personal leave.

### E. Professional Leave

The Board recognizes a distinct need for professional leave for personnel in order to further enrich the instructional program. The Board may grant professional leave to an employee wishing to attend any educationally related conference, meeting, or convention, if such attendance is considered to be in the best interests of the school district. The Board may pay all or any part of expenses of any personnel who it may direct to represent it in any such professional or educational meeting or in visitation to another school system. In all such cases, prior approval for said expenses must be given by the Board.

Application and notification to attend a conference or similar educational meeting shall be made and approved at least two weeks in advance of the intended date of leave. All out of state professional development must be approved, in advance, by the Board.

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The Board shall be authorized to grant professional leaves of absence for periods of one year for justifiable reasons which may be extended to a second year without loss of continuing service status.

### F. Legal Absences

Absence from work for the purposes of fulfilling legal responsibilities such as working at the polls, serving on juries, etc. is upon approval of the principal.

### G. Vacation Leave

The Lanett City Board of Education shall allow all persons employed on a twelve-month basis to earn vacation time at the rate of five days per year. After three years of service an employee is entitled to ten days of vacation time. After ten years of service an employee is entitled to fifteen days of vacation time.

Vacations are scheduled at the convenience of the School District with due consideration to the employee's preference.

Vacation leave shall be accumulative allowing the employee's leave to accumulate to a maximum of two years accrual. If an employee has accumulated ten (10) or more days with the approval of the superintendent, the staff member may choose to take the accumulated vacation days or be paid for no more than ten (10) days.

When a holiday occurs during a vacation, the holiday shall not be considered a day of vacation time. One half month or more of employment shall be considered a complete month in computing earned vacation time. Employment of less than one half month shall not be considered when computing vacation time.

### H. Military Leave

Act No. 2002-430 requires a local board of education to pay an employee who is called into active service of the U.S. Armed during the war on terrorism (which began September 11, 2001), compensation if the basic pay for active military duty is less than the salary the employee would receive if still working for the board. The basic pay is identified on the employee's military leave and earnings statement. The board salary includes any pay raises and salary schedule step raises the employee would receive if still on-the-job. (Reference is made to the procedures for implementation provided by the Alabama State Department of Education. In accordance with Legislative Act 95-256:

1. Employees are provided pay for time away from work for federal military leave for no more than 168 working hours per calendar year.
2. Employees are provided pay for time away from work for state military leave (called by the governor to duty in the active service of the state) for no more than 168 working hours at any one time.

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3. Employees on paid or unpaid military leave continue to accumulate service credit for any seniority, status, and rate of pay the employee would have obtained had the employee not taken military leave.

### I. On the Job Injury Leave

1. Any full time employee or adult bus driver of the Lanett City School system shall be entitled to on-the-job injury leave.
2. An on-the-job injury is an accident or injury to the employee occurring during the performance of duties (or when directed or requested by the employer to be on the property of the employer), which prevents the employee from working or returning to his or her job.
3. To be considered for on-the-job injury leave, the following conditions shall be met:
  - a. Within 24 hours after occurrence of the injury, the employee must make proper written notification of the injury to the Superintendent (or school principal or immediate supervisor, if applicable).
  - b. In the event the employee is clinically unable to report the injury, the injury may be reported by another person who is reasonably knowledgeable of the injury.
  - c. The Lanett City Board of Education may require medical certification from the employee's physician that the employee was injured and cannot return to work as a result of the injury.
  - d. The Superintendent may require a second opinion from another physician at the expense of the Board.
  - e. The Board may require a statement from the physician that there is a reasonable expectation that the employee will be able to return to work.
4. If the Superintendent determines that the employee has been injured on the job and cannot return to work as a result of the injury, the employee's salary and benefits will continue up to ninety (90) working days consistent with the employee's injury and absence from work resulting from the injury.
5. Sick leave days will not be deducted for the days the employee is paid for an absence approved for on-the-job injury pay.
6. The employee may file for reimbursement with the State Board of Adjustment for un-reimbursed medical expenses and costs incurred as a result of an on-the-job injury. Reimbursement to the employee shall be determined by the Board of Adjustment's policies, rules and regulations.

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### J. Catastrophic Sick Leave

1. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.
2. Section 1.(a)1 of Legislative Act 99-581 defines catastrophic illness 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.” The sick leave bank committee defines and extended period of time as sixteen (16) consecutive work days will be considered for extenuating circumstances.
3. The sick leave bank committee is responsible for writing guidelines and administrative procedures for catastrophic sick leave.
4. An employee must exhaust all sick, paid personal leave, and vacation days before using catastrophic leave days. Flex personal days may be used, but are not required to be used before requesting catastrophic leave.
5. An employee must borrow and use the maximum number of day 910 days) from the sick leave bank before being eligible to use catastrophic sick leave days.
6. Donated catastrophic sick leave days will be used to repay days owed to the sick leave bank.
7. Sick, paid personal and vacation days earned while the employee is utilizing catastrophic sick leave days must be exhausted before continuing the use of catastrophic sick leave days.
8. An employee may use catastrophic sick leave days for the following persons: himself, herself, parent, spouse, child, sibling, or an individual with a close personal tie.
9. A sick leave bank member may donate a specific number of days, not to exceed thirty (30) days, to the sick leave bank for a specific employee.
10. The employee donating sick leave for a catastrophic illness does not have to be a member of the same sick leave bank as the receiving employee.
11. The employee donating sick leave for a catastrophic illness cannot be required to donate a minimum number or days.
12. The donated catastrophic sick leave days revert to the donating employee only if the recipient employee does not use all of the donated days.
13. The sick leave bank committee will adopt guidelines for reverting unused donated days to the employees who donated the days.
14. An employee may accumulate an unlimited number of catastrophic sick leave days.

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### Guidelines and Administrative Procedures for Catastrophic Sick Leave

1. An employee may request catastrophic sick leave when the employee anticipates being out of work for sixteen (16) or more consecutive work days.
2. To request catastrophic leave, a “Request for Catastrophic Sick Leave” form must be completed, along with a “Physician’s Statement” form, and be returned to the Payroll Department in the Central Office before the employee will need the use of catastrophic sick leave days.
3. The Sick Leave Bank Committee will review each request for catastrophic sick leave to determine if the request qualifies as a catastrophic illness. The employee will be notified in writing of the decision of the committee. All decisions of the sick leave Bank committee are final.
4. Donated catastrophic sick leave will be used in the order it was received by the payroll Department.
5. Once an employee has returned to work for period of thirty (30) calendar days, any days remaining will be used to repay the Sick Leave Bank. After the Sick Leave Bank has been repaid, any remaining days will refer to the donor(s).
6. If an employee is not a member of the Sick Leave Bank and finds himself/herself in need of catastrophic leave, the employee will not be eligible to request such leave. Employees are allowed to join the Sick Leave Bank at the beginning of employment, in August of each year. According to Legislative Act 99-581, “an employee must be a member of the Sick Leave Bank to donate or receive catastrophic sick leave days.”
7. An employee who is a member of the Sick Leave Bank may donate up tot thirty (30) days to a specific employee. The employee who wishes to donate days should complete a “Catastrophic Sick Leave Transfer Authorization” form and return it to the Payroll Department at the Central Office.
8. Names of employees who donate sick leave days to another employee will not be disclosed.
9. Used donated catastrophic sick leave days will not be repaid to donating employees.

#### REFERENCE(S):

**CODE OF ALABAMA  
16-24-13, 16-11-9, 16-1-18.1  
Legislative Act 2001-671  
Legislative Act 99-581**

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