

HCS Frequently Asked Questions - Leave of Absence

PROCEDURE

Q: What is the procedure for requesting a leave of absence?

Request a leave of absence through the helpdesk (zendesk), [LOA Request](#).

The appropriate leave of absence form(s) **must** be completed for absences of three consecutive days. If FMLA is applicable, paperwork may be requested after 3 or more days of incapacitation. Thus, FMLA paperwork can be required for as few as three consecutive days of absence. The leave of absence form must be returned within fifteen (15) days of receipt. Failure to submit required paperwork within the allotted time will result in an unapproved leave of absence and may disqualify you from leave approval. To request leave:

- 1) Contact Cathy Hendricks, Leave of Absence Benefit Specialist or Ashley King, Leave of Absence Assistant. They will provide you with the appropriate form(s).
- 2) Submit the **Healthcare Provider and Return to Work** forms to your physician for completion.
- 3) Submit completed form(s) **within 15 days** to:

Cathy Hendricks or Ashley King
3074 Hickory Valley Road
Chattanooga, TN 37421 or 423-498-6680 (fax)
Phone # 423-498-7068 or 423-344-1449
hendricks_cathy@hcde.org or king_ashley@hcde.org

*****All leave paperwork must be issued to the employee from the Benefits Department and returned only to the Benefits Department.**

Note: A return to work statement from your physician will be required prior to your return from leave.

LEAVE OF ABSENCE FAQ's

Q. What types of leaves of absence are available?

Please reference the appropriate Board Policy to review leaves of absence: Family and Medical Leave 5.305, Military Leave 5.306, Physical Assault Leave 5.307, On-the-Job Injury 5.311, Legislative Leave 5.309.

Q. What are some important facts to be aware of while on a leave of absence?

Per Board Policy, all requests shall be submitted **at least 30 calendar days in advance**. However, please reference the specific Board Policy for the leave that you need to take.

Q. How do holidays affect my paid sick days?

These days are not counted against your hours if you are using paid sick, personal, or vacation leave hours before and after a holiday. If you are in non-paid leave status, you will not be paid for the holiday.

Q. How do inclement weather days count?

In the event that school is cancelled due to inclement weather, the day is **not** counted against your FMLA entitlement. Furthermore, to receive inclement weather pay, you must be in paid status the day prior and the day after the inclement weather day(s).

Q. Can I use my personal leave hours in addition to my sick leave hours during my leave of absence?

Yes, pursuant to Board policy, you are required to use all personal, sick, and vacation hours during LOA.

1 Revised 05/04/2023.

Please note that the answers listed in these LOA FAQs are merely for additional information and are not intended to, and do not supersede relevant Board Policy(ies) and/or state and federal statutes.

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Q. If I am on leave or planning to take leave at the beginning of a new school year, will the District front-load my sick leave hours?

Please note if you do not report to work at the beginning of the school year, you will not receive front-loaded sick leave days. However, a teacher who begins the school year on leave or goes out on leave during the first semester must either:

- Work enough days so that their expanded pay payout would cover an overpayment for use of unearned sick leave or,
- Have enough sick leave days accrued to cover the same.

Q. If I am a teacher on leave of absence, what do I need to do for my classroom?

This is the decision of your Supervisor/Principal, so you will need to discuss this subject with him/her. While we will not request that you perform any work during your leave of absence, it is expected that you will have a curriculum plan in place with appropriate lesson plans.

Q. If I request a leave of absence, how does this affect my substitute?

A substitute must be scheduled to work for each day absent. After 20 consecutive days, the substitute must be a licensed Tennessee educator and Highly Qualified in the subject area, if required. This must be arranged by entering your absence into your WillSub+ account. If you have any issues, please contact Elizabeth Newby at 423-508-4853 or your school secretary. Please note that not all certified positions are eligible for a sub for each day. Typically, a sub is not provided for a school counselor or school psychologist who is out ten consecutive days or less. However, a sub is provided for a school counselor if the leave is for 20 days or more.

Q. What is the difference between an interim teacher and a substitute?

A substitute or interim is used for a leave of absence after 20 consecutive days. An interim teacher must be in place for absences 20 days or greater. An interim teacher must be a certified educator, Highly Qualified in the subject area, will receive full teacher pay from Hamilton County, and will fill in for the teacher while he/she is on leave of absence. This decision is between the Supervisor/Principal and Human Resources. Please know this is not your responsibility, but that of your Supervisor/Principal and the Human Resources Director to ensure the best replacement during your absence.

Q. What is the procedure for locating a substitute or interim teacher?

It is your responsibility to ensure your absence is entered into WillSub+. If you need assistance, contact Elizabeth Newby at 423-508-4853 or your school secretary.

Q. Am I allowed to work other assignments or for another employer while on LOA?

No. If you are also working as a Homebound or Virtual School teacher, you must take LOA from those positions as well. Furthermore, athletic coaches are not allowed to continue to coach while on LOA. You also may not work for another employer during leave.

FAMILY & MEDICAL LEAVE ACT

Q. How do I determine if I qualify?

You must have worked for HCS for at least 1,250 hours during the previous 12 months prior to leave and worked for HCS for at least 12 months.

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Please note that the District reserves the right to designate leave as FMLA if provided with adequate medical documentation and/or information concerning the leave.

Q. What is the Family & Medical Leave Act?

FMLA provides eligible employees job-protected, unpaid leave for specified family and medical reasons. Eligible employees are entitled to:

- Twelve (12) workweeks of leave in any 12-month period for:
 - Birth and care of the employee's child, within one year of birth
 - Placement with the employee of a child for adoption or foster care, within one year of the placement
 - Care of an immediate family member (spouse, child, parent) who has a serious health condition
 - For the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job
 - Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. National Guard or Reserves in support of a contingency operation
- Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (Military Caregiver Leave).

Q. How is FMLA leave calculated?

HCS uses the fixed 12-month fiscal year from July 1 to June 30.

Q. What is the advantage of qualifying for FMLA?

FMLA allows an employee to be off work while protecting his/her position, and also guarantees the employee will have the same portion of their insurance premiums paid by the Board as is paid for active employees.

Q. Can I return on the last few days of the school year or a semester?

Beginning with the 2012-13 school year, if leave is taken more than five (5) weeks prior to the end of the term, the director of schools may require the employee to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and the return to employment would occur during the three (3) week period before the end of the term.

If the leave is taken five (5) weeks prior to the end of the term, the director of schools may require the employee to continue taking leave until the end of the term if the leave is greater than two (2) weeks in duration and the return to employment would occur during the two (2) week period before the end of the term. Please reference 29 CFR 825.600 - 825.604 Special Rules Applicable to Employees of Schools.

Q. Are there any stipulations regarding leave near the end of an academic term?

Yes. Special rules affect the taking of leave near the end of an academic term (semester), by 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. This term includes not only teachers, but also athletic coaches,

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driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or paraprofessionals who do not have as his/her principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers or maintenance workers. Please reference 29 CFR 825.600 - 825.604 Special Rules Applicable to Employees of Schools.

Q: How is intermittent leave applied for an “instructional employee?”

When an instructional employee requests foreseeable intermittent leave for greater than 20% of the total number of working days in the period during which the leave would extend, the school may require that such employee elect either to take the leave for periods of a particular duration, not to exceed the duration of the planned medical treatment, or to transfer temporarily to an available alternative position.

Q. How are other leaves of absence applied while I am on FMLA?

Please note that FMLA runs concurrently with other applicable leaves including Tennessee Maternity Leave, HCS sick leave, and OJI, personal leave, and/or paid vacation time.

NON-FAMILY AND MEDICAL LEAVE ACT

Q. What if I do not qualify or my request does not qualify for FMLA?

Complete the Leave of Absence (non-FMLA) form.

Q. What type of request does not qualify for FMLA?

Educational Improvement, care for certain family members, other non-medical requests. Contact Cathy Hendricks or Ashley King if in doubt.

Q. How will my benefits be impacted if I am not eligible for FMLA?

Insurance rates will not be protected, and the Benefits Department, Joy Triplett triplett_joy@hcde.org, will invoice you for your portion as well as the county’s portion of your premium monthly in arrears. If you are in unpaid status, you must submit payment for your benefits. If you are in paid status, your benefits will continue to be deducted.

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I NEED TO REQUEST A MEDICAL LEAVE OF ABSENCE FOR MYSELF.

Q. What paperwork is required?

Complete **Form WH-380-E** (Certification of HealthCare Provider for Employee's Serious Health Condition: Family & Medical Leave Act).

Pursuant to HCS Board Policy, refer to:

5.305: Family and Medical Leave

MY LEAVE OF ABSENCE IS FOR MATERNITY LEAVE.

Q. What paperwork is required?

Complete **Form WH-380-E** (Certification of HealthCare Provider for Employee's Serious Health Condition: Family & Medical Leave Act).

Pursuant to HCS Board Policy refer to:

5.305: Family and Medical Leave

MY LEAVE OF ABSENCE REQUEST IS RELATED TO PARENTAL/ADOPTION.

Q. What paperwork is required?

Complete **LOA Request Form** (For employees who qualify for FMLA, as well as those who do not). A letter from your adoption agency on company letterhead is required as supporting documentation.

Pursuant to HCS Board Policy, refer to:

5.305: Family and Medical Leave

I NEED TO REQUEST A LEAVE OF ABSENCE RELATING TO A FAMILY MEMBER.

Q. What paperwork is required?

Complete **Form WH-380-F** (Certification of Health Care Provider for Family Member's Serious Health Condition: Family & Medical Leave Act.)

Pursuant to HCS Board Policy, refer to:

5.305: Family and Medical Leave

MY LEAVE OF ABSENCE REQUEST RELATES TO MILITARY FAMILY LEAVE ACT.

Q. What paperwork is required?

Complete **Form WH-385** (Certification of Serious Injury or Illness of Covered Servicemember—for Military Family Leave: Family & Medical Leave Act) for active service members.

Complete **Form WH-385V** (Certification of Serious Injury or Illness of Veteran for Wage and Hour Division Military Caregiver Leave: Family & Medical Leave Act) for veteran service members.

Pursuant to HCS Board Policy, refer to:

5.305: Family and Medical Leave

5.306: Military Leave

MY LEAVE OF ABSENCE RELATES TO A QUALIFYING EXIGENCY.

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Q. What paperwork is required?

Complete Form [WH-384](#) (Certification of Qualifying Exigency for Military Family Leave: Family & Medical Leave Act).

Pursuant to HCS Board Policy, refer to:

5.305: Family and Medical Leave

5.306: Military Leave

MATERNITY/PATERNITY FMLA FAQ's

Q. How much time am I allowed for the birth of a child?

The Family & Medical Leave Act states a husband and wife who are eligible for FMLA leave and are employed by the same covered employer, each may request up to 16 weeks of leave in a 12-month period if the leave is taken for the birth of the employee's son or daughter or for the placement of a son or daughter with the employee for adoption or foster care or to care of the child after placement.

Q. What if my delivery date changes?

Notify Cathy Hendricks or Ashley King as soon as possible. You will also need to forward a statement from your physician confirming the amended delivery date as soon as possible. Please note: while we can amend your leave start date to an earlier date than the date you originally provided, if your delivery is later than anticipated, your initial requested leave date will remain firm. To clarify, we can amend the start date only to a delivery date earlier than the start date originally listed, not to a date later than the start date originally listed. Furthermore, if an interim teacher has been hired and is under contract, you may not be allowed to continue to work past your indicated leave start date or return until the contract with the interim teacher ends. Therefore, it is very important that dates are correct because the contract is a legal and binding document.

The Superintendent reserves the right under state law to vary the dates of your requested leave to ensure the efficient operations of schools. You also may not be allowed to return to work earlier than your agreed upon date if another teacher is on an interim contract for your position.

Q. If my doctor puts me on bed rest before I deliver, will this count as part of my leave of absence?

Yes.

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Q. If I deliver earlier or later, do I need to notify someone to alter leave dates?

Yes, please notify Cathy Hendricks or Ashley King if your delivery date changes. This is important because it will change your leave dates and the dates of the incapacity period will need to be amended.

Q. What if I need to express milk when I return to work from maternity leave?

Pursuant to TCA § 50-1-305, the employer shall provide reasonable unpaid break time each day to an employee who needs to express breast milk for her infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. An employer shall not be required to provide break time under this section if to do so would unduly disrupt the operations of the employer. (b) The employer shall make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where the employee can express her breast milk in privacy. The employer shall be held harmless if reasonable effort has been made to comply with this subsection. (c) For the purposes of this section, "employer" means a person or entity that employs one (1) or more employees and includes the state and its political subdivisions. Please contact Sara Garmon (garmon_s@hcde.org) to make arrangements for lactation.

IMPACT ON PROJECT COACH MINI-OBSERVATIONS AND SUMMATIVE REPORT

Q. How are observations and summative reports conducted when a teacher is on a leave of absence?

If you are a certified employee and work 120 days during the school year, you will be evaluated. Observations can be completed before you go out on leave or following your return. However, if you work less than 120 days due to a leave of absence, mini-observations should be completed during the time you work. If you work less than 120 days, your principal is not required to complete a summative report but may choose to do so at his/her discretion.

MY LEAVE OF ABSENCE REQUEST IS FOR STUDENT TEACHING.

Q. What is required?

If student teaching is required by an employee's college/university, the HCS employee must request a leave of absence to complete the requirement(s). LOA's are subject to approval in accordance with HCS Board Policy and/or Superintendent approval. HCS employees **will not be** approved to student teach in the school or program in which he/she is currently assigned. Due to HCS's involvement in several teacher prep initiatives as well as for other educationally sound reasons, HCS does not enter into an agreement with all colleges/universities making requests for student teacher placements. An employee who is approved for a LOA to student teach is not guaranteed his/her same position when the employee returns to work. Please note that student teaching leave is for classified employees only.

Sick, Personal, and Bereavement Hours

If you go into unpaid status, both your sick and personal leave hours will be pro-rated based on the total number of unpaid days. Bereavement leave is also not paid if you are in unpaid status.

Certified accumulated experience or district seniority for retirement calculations

Credit for certified staff is received for paid days: 20 days worked equals one-month service. Credit is not received for non-paid days. Your district seniority date will be adjusted by the total number of unpaid days.

Benefits

If you do not receive a paycheck for a month and are not covered by FMLA, you will be billed and responsible for both your portion and the county matching portion of your benefits. If you are covered by FMLA, you will

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be responsible only for your portion while on leave of absence. Please contact Joy Triplett at triplett_joy@hcde.org with any questions.

Please note that you only have thirty (30) days of a qualifying event to add/drop dependents such as marriage, divorce, adoption, birth of a child, death, and loss of coverage. Please contact Kimberly Eames at eames_k@hcde.org with any questions.

Short Term Disability

Q. When can I apply for Short Term Disability

Short term disability is available through Symetra. To submit a claim, you must first be on an approved leave of absence with HCS, exhaust all paid leave and meet the 7-day elimination period. You will then be eligible to file a claim with Symetra. Email Cathy Hendricks or Ashley King to request information related to Symetra.

REQUIREMENTS FOR THE PAYROLL DEPARTMENT

Q. What are the requirements for the Payroll Department?

To ensure your leave days are properly recorded in the Payroll Department if your time is submitted in ExecuTime.

If using sick and/or personal leave, enter hours as long as available. Once hours are exhausted it is no longer necessary to enter your time in ExecuTime. The Payroll Department will audit all unpaid days and adjust your salary as needed when you return to work. All employees should submit their own time in ExecuTime.

UNPAID STATUS

Q. If I go into unpaid status, what will this affect?

Payroll deductions

You will be responsible for your payroll deductions (credit union dues, supplemental insurance premiums, etc.). You may review your deductions on Employee Self Service (ESS).

Salary

A salary adjustment may be required upon your return if all leave is exhausted. You will want to contact your Payroll Technician at 423-498-7161.

Your salary will be re-figured based on the total number of days worked less any salary already paid divided by the remaining number of pay periods for the current school year.

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SALARY ADJUSTMENT EXAMPLE:

201	DAYS WORKED FOR CALENDAR
<u>-17</u>	DAYS WITHOUT PAY
184	DAYS IN PAID STATUS
<u>x 191.15423</u>	DAILY RATE
35,172.38	TOTAL EARNED FOR SCHOOL YEAR
<u>-27,043.18</u>	AMOUNT PAID TO DATE
8,129.20	REMAINING EARNED MONEY DUE
<u>-210.01</u>	LESS UNEARNED LEAVE (PERSONAL & SICK LEAVE HOURS x HOURLY RATE)
7,919.19	EARNED MONEY DUE; DIVIDED BY
<u>6</u>	NUMBER PAY PERIODS REMAINING
1,319.87	NEW BI-WEEKLY

RETURNING TO WORK

Q. What is required in order to return to work?

If related to a medical condition (including maternity leave), submit your Return to Work (RTW) physician's statement to Cathy Hendricks or Ashley King at least **thirty (30) days prior to returning to work. Failure to do so may result in a delayed return to work.**

If restrictions are anticipated, contact Cathy Hendricks or Ashley King to confirm that your statement has been received and you are cleared back to work. A letter will be issued that you are to adhere to your restrictions.

ACCOMMODATIONS

Hamilton County Schools (HCS) values all our employees, including those who are experiencing disabilities. In accordance with the Americans with Disabilities Act (ADA), HCS does not discriminate based on disability in its hiring or employment practices and strives to provide reasonable accommodations and services for employees.

HCS's Coordinator Human Capital, Sara Garmon, in the Human Resources Department, will provide assistance and/or services for persons with disabilities. Ms. Garmon may be contacted at (423) 498-7054 or garmon_s@hcde.org should you need to request accommodations.