



## *LEAVES OF ABSENCE*

### **Certified/Licensed Staff**

**Note: Employees are responsible for notifying Human Resources/Benefits and their supervisor/administrator of any changes regarding the status of the leave of absence, including return to work date changes. Notification must be given prior to the original return to work date and, if applicable, may require health care certification.**

This booklet has been prepared to serve as a guide should an employee need to take a leave of absence. It provides information regarding medical and parental leaves of absence. Additional information on these and other leaves of absence are addressed in the Certified Master Agreement. If you have additional questions or concerns, please contact the Benefits department in Human Resources, 720-972-4068.

### ***Types of Leaves***

As shown below, there are various types of leaves.

<b><i>Type of Leave</i></b>	<b><i>Explanation</i></b>
Medical / Employee (FMLA may apply)	Employee is ill or injured, non-work related, and due to health reasons is unable to work.
Medical / Maternity (FMLA may apply)	Employee is pregnant.
Medical / Family Member (FMLA may apply)	To care for employee's spouse, parent, or child who is ill or injured and needs employee to care for them or drive them to/from appointments.
Parental (FMLA may apply)	Employee chooses to stay home with newborn or newly adopted child. Must commence within 60 calendar days of birth, pre-adoption placement, adoption or guardianship of the child.

### ***Family Medical Leave Act (FMLA)***

FMLA requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons during any 12-month period. Employees are eligible for FMLA if they have worked for Adams 12 Five Star Schools for at least one year and for 1,250 hours over the previous 12 months. While FMLA provides job protection, the type of leave determines if it is paid or unpaid. See *Your Rights Under the Family and Medical Leave Act of 1993*.

### ***Basic Leave Entitlement***

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth
- To care for employee's child after birth, or placement for adoption or foster care
- To care for the employee's spouse, son daughter or parent who has a serious health condition
- For a serious health condition that makes the employee unable to perform the employee's job

### ***Request for Leave of Absence***

Should an employee need to take a leave of absence, there are various steps that must be followed. The following Leave of Absence Checklist outlines employee's responsibilities, types of leave, required forms and information regarding insurance continuation while on leave.

## ***Employee Medical Leave of Absence for employee's illness, injury including maternity***

***Medical Leave of Absence*** applies to non-work related extended or intermittent time off work for an employee's illness or injury, including maternity. Request for Leave of Absence and Health Care Certification forms are required. See Leave of Absence Checklist. Leaves may be paid or unpaid.

- ***Medical leave of absence (Non-Maternity)*** for an employee's illness or injury requires use of Temporary Leave prior to use of Sick Leave Bank (SLB) as defined in the Certified Master Agreement, Article 23. The purpose of the SLB is to provide a continuation of salary and benefits during times of serious, chronic illness or disability after the required number of temporary leave days has been used.

***Period of Disability.*** The period of disability is the actual time the employee is not able to work due to the illness or injury. The period of disability is based on the information given by the employee's health care provider.

- ***Medical leave of absence - Maternity.*** By federal law, childbirth is a physical disability and is to be treated as any other illness/disability. Medical leave requires use of Temporary Leave prior to use of SLB as defined in the Certified Master Agreement, Article 23.

***Period of Disability.*** The period of disability is the actual time the employee is not able to work due to the disabilities associated with pregnancy. This period is normally defined as six consecutive calendar weeks after the birth of the child. The period of disability may begin prior to childbirth and/or be longer than the usual six weeks (eight weeks if caesarian section) if there are such factors as a high-risk pregnancy, high blood pressure, etc. The period of disability is based on the information given by the employee's health care provider

- ***Sick Leave Bank***

The following is from the Certified Master Agreement. See Article 23 for complete provisions regarding SLB.

- If a member has ten (10) or more school days within the current school calendar year of the same/related illness or disability he/she may apply to the Sick Leave Bank. Days granted from the Sick Leave Bank may be used only after the member's own temporary leave is depleted or thirty (30) of the employee's temporary leave days are used, whichever comes first. Under no circumstances shall Sick Leave Bank days be granted before ten (10) days of the employee's temporary leave days or leave without pay are used.
- When use of days depletes the teacher's accumulated leave, the teacher may borrow one day for each month remaining in the school year from his/her next year's leave allocation up to a maximum of four (4) days. Appropriate leave forms must be submitted. Before an extended leave of absence is granted or when employment is terminated, all borrowed leave time must be repaid to the district.
- Sick Leave Bank days may be granted in forty-five (45) contract day increments up to a total of ninety (90) contract days each year. Re-application including Leave of Absence Request Form and physician's statement shall be submitted to the Sick Leave Bank board through the Benefits Department for approval every forty-five (45) contract days. Following the use of ninety (90) days from the Sick Leave Bank, an additional forty (40)

contract days may be requested from the Sick Leave Bank, for the treatment of the same or a different extreme illness(es) and/or injury(ies) during that school year by the employee.

- After the first forty-five (45) contract day period, if eligible, the employee shall apply for short term disability through Colorado Public Employees Retirement Association (PERA) program. Proof of application must be provided at the time of the reapplication. If the teacher has been determined to be ineligible for PERA benefits, the teacher may be approved for further Sick Leave Bank benefits, subject to meeting established Sick Leave Bank requirements. However, if the teacher has been determined to be eligible for PERA disability retirement after use of ninety (90) total Sick Leave Bank days, Sick Leave Bank benefits shall no longer be available to such teacher.
- A teacher withdrawing sick leave days from the Bank shall not have to replace these days.
- Sick leave days can only be withdrawn from the Bank for illness of the teacher.
- To request use of sick bank days, teacher must submit the appropriate completed forms including the Certification of Health Care Provider form to the Human Resources Department. The district shall keep medical information separate from personnel files.
- Employees on short-term disability (STD) leave as approved by PERA may, at their discretion, elect to use up to 25% of their accumulated temporary leave during the term of the short-term disability, until such time as their accumulated temporary leave is exhausted or they elect to discontinue use of such leave. During such period, the employee shall receive from the district the difference between 85% daily salary and amounts received from PERA attributable to short term disability, and an equal district pro-rated contribution toward benefits.
- The employee shall only receive a supplemental salary payment equivalent to their respective FTE status at the time of illness or disability and not to exceed a regular fulltime FTE.
- See Article 23 for further information.

### ***Employee Leaves of Absence: Parental and Care of Ill Family Member***

The Leave of Absence Checklist outlines employee's responsibilities, required forms and information regarding insurance continuation while on leave. These types of leaves may be paid, using accrued temporary leave, or unpaid.

- If leave is unpaid 30 work days or less, employee's pay is docked based on per diem rate.
- If leave is unpaid beyond 30 work days, contract is paid out. Contact Human Resources/Employee Services for further information, 720-972-4068.

- ***Parental leave***

- Leave shall be granted for the purpose of child care or adoption and shall be without pay.

Leave for child care or adoption must commence within sixty (60) calendar days of birth, pre-adoption placement, adoption or guardianship of the child. This leave will be granted to either parent. If both parents are employed by the district, they must elect which one shall take this leave.

- An application for parental leave must be made in writing on a form provided by the district to the Chief Human Resource Officer as far in advance as possible as to the intent and possible date of return of the teacher. The teacher may elect to take parental leave for successive periods, up to a maximum of four (4) semesters (two (2) years).
- ***Return from Parental Leave***
  - Upon return from such leave of absence, the teacher shall not be advanced one step on the salary schedule, if applicable, unless the teacher taught one complete semester or more for the district during the school year in which the leave occurred.
  - Upon return from a one-year leave of absence or a second year leave of absence, the teacher shall be placed in the position formerly held. If the teacher's former position is not available, the teacher shall be assigned to a comparable position for which the teacher is highly qualified.
- ***Leave to care for an ill family member.*** If the family member is immediate, i.e., child (under 18 or disabled), spouse, or parent, then the leave may be covered under FMLA. Review Your Rights Under Family Medical Leave Act of 1993. The Leave of Absence Checklist outlines required forms. The leave may be paid using accrued temporary leave.
  - Should an employee exhaust their temporary leave and they are a DTEA member, they may request additional temporary leave from other certified staff through the Donation of Days process. The Donation program is sponsored/administered by the DTEA, 303-457-3324.

### ***Frequently Asked Questions***

***1. What paperwork is needed to request a leave of absence?***

See the *Leave of Absence Checklist* for employee responsibilities and the web address to access the required paperwork.

***2. When should I submit Leave of Absence paperwork to Human Resources?***

Per the *Leave of Absence Checklist*, notify Human Resources and supervisor/administrator 30 days prior to the leave. If an emergency, notify as soon as possible.

***3. How do I know what forms I need for a leave and where do I get them?***

The required leave of absence forms are available on the internet or from Human Resources. [http://www.adams12.org/en/myfivestar/benefits\\_loa](http://www.adams12.org/en/myfivestar/benefits_loa) Print the *Request for Leave* and the *Certification of Health Care Provider* forms. More information is outlined on the *Leave of Absence Checklist*.

**4. *Should I make arrangements for a substitute?***

Yes, as you would for any other absence from work. Contact your office manager or call the HR/Substitute Office 720.927.4064 for additional information

**5. *What happens if I do not have the minimum number of temporary leave days to qualify for SLB?***

If you are applying for Sick Leave Bank days and have less than the minimum number of days, you will be docked at your daily pay rate until you reach the minimum, i.e., 10 days.

**6. *Do I have to use all my temporary leave days before I am eligible for Sick Leave Bank?***

A minimum of 10 to a maximum of 30 temporary leave days must be used prior to accessing Sick Leave Bank.

**7. *When are the temporary leave days credited to me?***

Temporary Leave days are given on the first day of the contract year.

**8. *If I am less than 1.0 FTE, what is the minimum/maximum number of Temporary Leave days I have to use prior to accessing SLB?***

It is pro-rated according to your FTE.

**9. *Can an employee charge a full day of temporary leave towards the SLB waiting period for an appointment with a health care provider?***

No, only the time required for the appointment applies. Documentation must be provided.

**10. *How do I add my newborn to my insurance?***

If you wish to add your newborn to your insurance it must be done within 31 days of date of birth. Complete a district Insurance Enrollment/Change form.

[http://www.adams12.org/en/myfivestar/benefits\\_forms](http://www.adams12.org/en/myfivestar/benefits_forms) Click on Enrollment/Change form.

**NOTE: *You are responsible for informing Human Resources and your supervisor/administrator of any changes regarding the status of your leave. Notification must be received PRIOR to anticipated return date. This includes returning to work earlier or later than previously indicated. Note: If on a medical LOA, a fit-for-duty and/or an update from your health care provider may be required.***