

Oneida Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Long-Term Leaves of Absence for Professional Personnel	Descriptor Code: 5.304	Issued Date:
		Rescinds: 5.304	Issued: 03/11/04

1 Any person holding a position requiring a license to teach shall be granted leave for military service,
2 legislative service, maternity, adoption, recuperation of health, educational improvements or other
3 sufficient reason without loss of accumulated leave credits, tenure status, or other fringe benefits. All
4 leaves shall be requested in writing at least thirty (30) days in advance on forms provided by the
5 director of schools. The 30-day notice may be waived or reduced by the director of schools upon
6 submission of a certified statement by a physician. The application for leave forms shall require:

- 7 1. A description of the type of leave requested;
- 8 2. The requested dates for beginning and ending the leave; and
- 9 3. A statement of intent to return to the position from which leave is granted.

10 Each request for leave must be acted upon by the director of schools within fifteen (15) days. Each
11 applicant shall be notified in writing of the action of the director and the beginning and ending dates of
12 the leave which is granted. All leaves, except military leave, shall be from a specific date to a specific
13 date. However, any leave may be extended by the director of schools upon written request from the
14 teacher. Military leave shall be granted for whatever period may be required. The procedure and
15 condition for extending a leave are the same as those used when originally requesting and granting the
16 leave.

17 Positions vacated for less than twelve (12) months by teachers on leave shall be filled with an interim
18 teacher while the teacher is on leave. If the teacher returns from leave within 12 months, the interim
19 teacher shall relinquish the position. If the leave exceeds twelve (12) months, the teacher shall be
20 placed in the same or a comparable position upon return.

21 Part-time leaves may be granted by the director of schools upon written request for the same conditions
22 as for full-time leave.

23 Any teacher on leave shall notify the director of schools at least thirty (30) days prior to the date of
24 return if the teacher does not intend to return to the position from which he/she is on leave. Failure to
25 give such notice shall be considered breach of contract.¹

26 **PAY AND BENEFITS**

27 All leave granted in conformance with this policy shall be without pay except as may be covered by
28 sick leave in the case of maternity and recuperative leaves. Employees shall have the opportunity to
29 continue participation, at their own expense, in group insurance plans subject to restrictions of the
30 insuring carrier.

1 LONG TERM LEAVE

2 Employees who take leave under the provisions of the Family Medical Leave Act (FMLA) shall have
3 the same portion of their insurance premiums paid by the Board as is paid for active employees. This
4 leave is limited to twelve (12) weeks and subject to the restrictions and conditions of the Family and
5 Medical Leave Act.

CLASSIFIED EMPLOYEES

Classified employees qualifying for leave under the Family and Medical Leave Act (FMLA) will have up to twelve (12) weeks of job protected leave. Any Classified Employee unable to return to their position at the expiration of FMLA leave may request, in writing, for an extension of leave to the Director of Schools. The request for extended leave must be received prior to the expiration of qualifying for FMLA. The request must include supporting documentation regarding the reason for the extension which includes, but is not limited to:

- Beginning date of the extended leave
- Reasons for the extended leave
- Physician's statement supporting extended leave
- Anticipated return date following the extended leave

The Director of Schools will review, and grant or deny, each request on a case by case basis. If any employee is unable to return to their position at the expiration of FMLA the employee's position may be filled with a qualified candidate. Due to the at-will status, any classified employee granted an extended leave of absence is not guaranteed a position at the conclusion of the extended leave.

Legal References

1. TCA 49-5-702
2. TCA 49-5-703
3. TCA 49-5-704
4. TCA 49-5-705
5. TCA 49-5-706

Cross References

Family and Medical Leave 5.305
Military Leave 5.306
Physical Assault Leave 5.307
Sabbatical Leave 5.308
Legislative Leave 5.309
Interim Employees 5.700