

LEAVES OF ABSENCE, UNPAID

Adopted: March 13, 1995

Revised: October 9, 2017

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I. PURPOSE

The School Board recognizes the need to allow for employee long-term, unpaid leaves of absence from work for various reasons.

II. GENERAL STATEMENT OF POLICY

In determining whether or not to grant a leave request, the School Board recognizes its responsibility to honor all Master Agreements and contract language, as well as to abide by all State and Federal laws and regulations.

III. DEFINITIONS

- A. Short-term Leave of Absence: An unpaid leave of absence granted on a limited, non-regular basis for unique circumstances; generally the leave is no longer than a period of 10 days.
- B. Long-term Leave of Absence: An unpaid leave of absence generally greater than 10 days in length, but no longer than a period of one year.
- C. Extended Leave of Absence: This leave is outlined in Minnesota statute. M.S. 122A.46 describes an Extended Leave of Absence as follows: The duration of an extended leave of absence under this section must be determined by mutual agreement of the School Board and the teacher at the time the leave is granted and shall be at least three but no more than five years.

IV. GUIDELINES REGARDING SHORT-TERM LEAVES OF ABSENCE

- A. **SHORT-TERM LEAVES OF ABSENCE:** The School Board recognizes the need for administrative guidelines for the determination of granting short-term, unpaid leaves of absences to employees for various reasons.
 - 1. In determining whether or not to grant a leave request, the School Board recognizes administrative responsibilities to honor all Master Agreements and contract language, as well as to abide by all State and Federal laws and regulations.
 - 2. It is the School Board's desire that short-term, unpaid leaves of absence be granted on a limited, non-regular basis for unique circumstances, that the leave generally not be

longer than for a period of 10 days, that those requesting a short-term leave of absence have been in the employment of District 750 for a period of not less than one year, and that the leave for teachers not be during parent conferences or the end of a marking period.

- B. The School Board delegates the authority and responsibility to consider granting of short-term leaves to the Superintendent of Schools, based on review of the following criteria:
1. Purpose and necessity of the leave of absence;
 2. Number of other employees anticipated to be absents from the district during the leave of absence;
 3. Timing of the request for the leave of absence as related to the business of the school year;
 4. Length of the leave of absence;
 5. Position of the individual requesting the leave of absence;
 6. History and frequency of leaves of absence, including sick leave, personal leave, and emergency;
 7. Availability of a suitable substitute replacement for the person requesting the leave of absence;
 8. Work history of the employee; and
 9. In the case of teachers, the availability of a well-defined lesson plan for the substitute prior to leaving.
- C. In all cases, the Superintendent will make the final decision on whether or not to grant a short-term, unpaid leave of absence, and he/she will retain the discretionary authority to grant short-term, unpaid leaves of absence, without the burden of past practice as the determining factor.

V. GUIDELINES REGARDING LONG-TERM LEAVES OF ABSENCE

- A. LONG-TERM LEAVES OF ABSENCE: The School Board recognizes the need for administrative guidelines for the determination of granting long-term, unpaid leaves of absences to employees for various reasons.
1. It is the School Board's desire that long-term, unpaid leaves of absence generally not be longer than for a period of one year, except for leaves granted under the Extended Leaves of Absence (M.S. 122A.46); and
 2. that those requesting a long-term leave of absence have been in the employment of District 750 for a period of not less than five (5) full years.
 3. Furthermore, it is the School Board's intent that leaves of absence generally not be granted for purposes of accepting similar employment.

- B. The School Board retains the authority and responsibilities to consider granting and/or extending long-term leaves of absence based on review by the Superintendent with the School Board of the following criteria:
1. Purpose and necessity of the leave of absence;
 2. Number of others currently out of the district on leave of absence;
 3. Timing of the request for the leave of absence as related to the business of the school year;
 4. Adverse effect on other employees;
 5. Length of the leave of absence;
 6. Position of the individual requesting the leave of absence;
 7. History and frequency of leaves of absence for the individual requesting the leave;
 8. Availability of a suitable substitute replacement for the person requesting the leave of absence;
 9. Capacity and willingness of the individual requesting the leave of absence to maintain job skills during the leave of absence; and
 10. Work history of the employee.
- C. In all cases, the School Board will make the final decision on whether or not to grant a long-term, unpaid leave of absence, and will retain its discretionary authority to grant long-term, unpaid leaves of absence, without the burden of past practice as the determining factor.
- D. Employees on leave of absence must notify the Superintendent of their intent to return to the district on or before February 1 of the year in which they wish to resume employment in the next school year.

VI. GUIDELINES REGARDING EXTENDED LEAVES OF ABSENCE

- A. EXTENDED LEAVES OF ABSENCE: This leave is outlined in Minnesota statute, M.S. 122A.46 and applies to any full- or part-time elementary or secondary teacher.
- B. The School Board of any district may grant an extended leave of absence without salary to any full- or part-time elementary or secondary teacher who has been employed by the district
1. for at least five years and has at least ten years of allowable service, as defined in section 354.05, subdivision 13 or the bylaws of the appropriate retirement association or
 2. ten years of full-time teaching service in Minnesota public elementary and secondary schools.
- C. An extended leave of absence under this section shall be taken by mutual consent of the School Board and the teacher.
- D. If the School Board denies a teacher's request, it must provide reasonable justification for the denial.

- E. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which the teacher is licensed at the beginning of any school year which immediately follows a year of the extended leave of absence, unless the teacher fails to give the required notice of intention to return or is discharged or placed on unrequested leave of absence or the contract is terminated pursuant to section 122A.40 or 122A.41 while the teacher is on the extended leave.
- F. The School Board is not obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section, unless the teacher advised the School Board of the intention to return before February 1 in the school year preceding the school year in which the teacher wishes to return or by February 1 in the calendar year in which the leave is scheduled to terminate.
- G. The School Board shall not be obligated to reinstate a teacher who takes a full-time or part-time position as a teacher in another Minnesota school district while on an extended leave of absence pursuant to this section.

Source: ROCORI School District No. 750