



## **Dexter Community Schools Leave of Absence Frequently Asked Questions**

This document has been prepared to help you better understand what to expect when you need to take a leave of absence. It is based on the most frequently asked questions and not exhaustive. It is not a legally binding document nor intended to change any master agreements, but merely a guide to understanding the process. Some details may vary based on your affiliation.

### **1) I need to be off of work for more than a few days. Do I need to apply for a leave of absence?**

If you need to be off of work for MORE THAN 5 consecutive work days, then you need to request a leave of absence in writing. Certainly not all leaves can be anticipated far in advance, but notifying the District as soon as possible will help us provide appropriate coverage.

Per the DEA contract, a request for maternity or paternity leave should be submitted at least 60 days before the leave is to begin.

### **2) I need to take a leave of absence, now what?**

First, talk to your principal and let him/her know the extent of your necessary leave. Then, submit a written request for a leave of absence. A Request for leave of absence form is available on the Business Office webpage. Provide a copy of the request to your building principal/supervisor, a copy to Human Resources, and send the original to the Business Office. Retain a copy for your reference. If your request extends beyond a duration of medical necessity or beyond 12 weeks in the case of an FMLA leave, it may need to be submitted for consideration and approval of the Board of Education. Once your leave is approved, you will receive a written response from the Executive Director of Human Resources.

### **3) How long of a leave of absence should I take?**

Your health and/or family situation will determine how long a leave you may want to take. Understanding the contractual continuation of your pay and benefits may impact your decision.

A teacher may take a maternity / child care leave of absence for up to the remainder of the semester in which the leave begins plus two additional semesters.

### **4) What is the Family Medical Leave Act (FMLA)?**

The Family Medical Leave Act became a federal law in 1993. The FMLA allows eligible employees to balance their work and family life by taking reasonable unpaid leave for certain family and medical reasons. Although the goal of the law is rather simple, to provide 12 weeks of unpaid leave during a 12-month period for certain family needs, the effects of the law are far reaching.

Our Master Agreements and individual agreements provide additional provisions for leaves. We follow the more lenient of the provisions of the Master Agreements or the federal FMLA law, unless those provisions contradict the law.

### **5) Do I qualify for a leave of absence under the provisions of FMLA?**

To be eligible for FMLA leave, you must be an employee, have worked for us for at least 12 months, and have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. A

full time teacher qualifies for the hour requirement. A reduced schedule greater than 0.92 FTE would also qualify. A 3 day/week or 0.5 FTE teacher, would generally not qualify for the hour requirement, unless additional hours in that or some other job meets the 1,250-hour minimum. If you do not qualify for FMLA, you may still take a leave of absence under the provisions of your Master Agreement. A request for a FMLA should be submitted 30 days before the leave is to begin, if possible.

**6) How are the 12 weeks of FMLA counted?**

This is a bit complicated for many school employees because the work year is defined by the school calendar. The 12 weeks are calendar weeks (or fractions of calendar weeks) of the scheduled work calendar excluding the summer break, winter break, and spring break shut down weeks. For example, we will not count weeks during the summer break toward the 12-week annual leave. For a maternity leave, a 12-week FMLA does not have to be at a specific time in proximity to a birth.

**7) How many sick days may I use while I am off?**

While you are sick or medically disabled, you are required to use your earned and banked leave days, if you have any available. Once you have exhausted your current year earned paid leave days, you may use your accumulated sick bank for the duration of your illness, up to the contractual limits. Additional time may be taken unpaid. A doctor certification may be requested.

For a maternity leave, a doctor generally considers you “sick” for 6 weeks after a natural delivery of a baby or 8 weeks for a C-section delivery. The DEA contract allows for a mother to use up to 10 sick days immediately prior to the birth and 35 work days that fall immediately following a natural delivery or arrival of an adopted child or 40 work days that fall immediately following a C-section delivery.

If there are additional medical complications prior to or after the delivery you are permitted to use additional earned sick days. A doctor certification of the medical necessity would be required.

For a paternity leave, while it is okay to use a few days to attend to the birth and acclimation of bringing the new baby home, any request over 5 days must be a preapproved leave of absence. Under FMLA, you are allowed to take up to 12 weeks of unpaid leave. Sick days can only be used per contract language. The DEA contract allows you to use up to 20 days of leave per year for medical care for illness of immediate family, but only if the nature of the situation requires the presence for a serious health condition. A doctor certification of the necessity would be required. Any other days taken are unpaid.

**8) I am having a baby due in the summer. May I use my sick days and a 12 week FMLA in the fall?**

Sick days are used when you are sick. If you have the baby in the summer, you are likely to still be on your summer break during part of your disability period (as defined by your doctor’s note). You are only able to utilize sick days that would fall within the school calendar AND within the remaining period of disability. For example, if you have your baby on July 1, then your disability period would run through August 12. You would not be able to use any sick days once school started. However, if you have your baby on August 1, then your disability period would run through September 12, and you would be able to use sick days based on the school calendar for the days you missed work.

The FMLA is totally separate but is counted concurrently with any paid and unpaid time off. The 12 weeks of unpaid leave and continuation of health benefits are counted in calendar weeks of the scheduled work calendar. So you may take a full 12 weeks of paid and/or unpaid leave and continuation of health benefits starting when school is back in session. So in both examples above, you would be able to take 12 weeks of FMLA leave starting the first work day back. The continuation

of district-paid health benefits is allowed only if you return to work immediately following the 12 week FMLA leave.

**9) How often can I take a FMLA leave of absence?**

You may take a total of 12 weeks of FMLA as often as once each 12-month period. We determine the 12-month period by using a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

**10) Will my paychecks continue during my leave?**

When a leave of absence actually begins, the payroll office computes the per diem value of your contract (i.e. \$45,772 BA 4 / 185 teacher contract days = \$247.42 per day). Your per day rate is then multiplied by the number of days you actually worked before your leave began plus the contract allowed leave days you plan to use during your leave. This is your earned prorated contract amount. You will continue to receive your "normal" semi-monthly pay period amount until you are fully paid out on the prorated contract amount.

When you return from the leave, another calculation is made reflecting the value of the remaining days (if any) to be worked through the end of the school year. The resulting additional contract amount is then paid out over the remaining pay periods as originally elected that year (24 pays through August 31 or 19 pays through June 15).

**11) What if I need to take a medical leave that will extend past the days in my sick bank?**

The MESSA PAK plan provides a long term disability (LTD) policy that begins after 90 calendar days or the exhaustion of all sick days, whichever occurs later. Depending on the timing of your leave, the number of sick days necessary to reach 90 calendar days can vary significantly. You may need up to 65 days in your sick bank to be paid for the duration until LTD coverage begins. If you have exhausted all your sick days, you may need to take unpaid time until the LTD coverage begins.

The District makes available additional voluntary short term disability (STD) policies for employees to purchase. Employees without sufficient leave accrual are encouraged to consider one of the available policies. Being consistent with industry, disability insurance policies begin paying upon expiration of the waiting period or the exhaustion of accumulated and earned personal illness leave (whichever is greater) for the duration of the disability. You may enroll upon hire or annually at open enrollment. Preexisting conditions are generally not covered.

Any payments made to you by the LTD or STD policies are made by the insurance carrier under the terms and conditions of the policies. This is considered unpaid time for purposes of District provided benefits.

**12) Do my health benefits continue during my leave of absence?**

The District contribution towards your health benefits are based on the greater of the following: 1) If you qualify for FMLA, the law requires the continuation of health benefits during the 12 weeks of unpaid leave, provided you return immediately after the 12-week family medical leave or the duration of the serious illness; 2) The District will continue its contribution during the portion of a leave of absence paid using YOUR earned leave and sick days.

All benefits are provided in full calendar months. Just as the health benefits start at the beginning of the calendar month following the hire date, the health benefits end at the end of the calendar month when you are no longer eligible. When you are no longer eligible for the District contribution towards your health benefits you may terminate coverage or continue your coverage under the provisions of

COBRA. If you choose to continue your health benefits under COBRA, you will be responsible for payment of the full cost of the health benefit.

If you are on maternity leave, and return immediately following the 12 weeks of paid/unpaid leave, your district-paid benefits will continue uninterrupted.

If you are on maternity leave, and do not return immediately following the 12 week FMLA, then your district paid benefits will continue only to the end of the month when your paid sick leave is fully exhausted.

If you are on a personal sick leave, your district paid benefits will continue for the duration of your paid sick leave.

In the event of a long term disability, you may apply to the disability carrier to waive the entire cost of your medical benefits for the duration of your approved disability. Approval is determined solely by the carrier and subject to the terms and conditions of the carrier.

**13) Do my other benefits continue during my leave of absence?**

Your sick bank will be adjusted when you begin your leave to reflect your earned days for the time you have worked. You do not accrue any paid leave days, personal days, or other benefits during a period of unpaid FMLA leave or other unpaid leave of absence. For example, if your total leave of absence runs from December 18 to March 24, but your unpaid leave of absence begins February 22, then your earned sick days for the school year would be for the six months (September to February).

When you return, you would begin earning leave days the first of the month following the date of return, at a rate of one per month. So in the example, you would earn a total of three more leave days (April to June).

You do not accrue salary schedule advancement during the time on leave. However, for DEA members, if you actively worked full-time for a full semester or more of the school year, you will advance a full step on the salary schedule the next school year.

Any portion of a leave where you receive salary from donated sick days are treated as an unpaid leave for purposes of earning any accruals or other benefits.

**14) If I earn additional sick days that same school year after returning from my leave, can I cash them in?**

For DEA members, if you have any leave days, that YOU earned, after returning from leave available at the end of that same school year, you may request to be paid for the days, up to the limits otherwise defined in the contract (i.e. 35 leave days for birth of a child, etc.). The day(s) will be computed at your per diem rate and added to the contract amount that is then paid out over the remaining pay periods as originally elected that year (24 pays through August 31 or 20 pays through June 30).

Requests must be in writing and submitted to the Payroll office by the last day of school. In no case will your total contract exceed payment for 1.0 FTE.

**15) If there is a force majeure day (snow day) while I am on my leave of absence, do I get paid for the day?**

That depends on if you were on a paid leave or an unpaid leave on the force majeure day. When your contract was prorated before your leave, the prorated contract included paying you for all your available leave days based on the full teacher calendar (185 days).

For DEA members, if you were on a paid leave on the force majeure day using a sick day YOU earned, when you return from your leave that same school year, you may request a sick day be reinstated to your sick bank. If you were on an unpaid leave, then you would not be paid anything additional or receive a day.

Requests must be in writing and submitted to the Payroll office by the last day of school. In no case will your total contract exceed payment for 1.0 FTE.

**16) What if I plan to return immediately following 12 weeks, but my situation changes and I delay my return?**

First, talk to your principal and let him/her know the extent of your leave extension. Then, submit a written request for a leave extension to the Executive Director of Human Resources.

You will need to elect COBRA or enroll in another insurance policy (i.e. Spouse's plan) effective the first of the month after which you were no longer eligible (after the duration of your paid sick leave). If you elect Cobra, you will have 45 days to make the retroactive payment. COBRA payments thereafter are due the 1<sup>st</sup> day of the month of coverage. MESSA manages our COBRA responsibilities.

The insurance carrier will only allow us to cancel benefits as far back as 30 days, but only if no claims were incurred or filed for any covered individual on the policy.

**17) My baby has arrived, now what?**

First, congratulations! If you have reviewed this information ahead of time, you should have your plan already in motion. Notify the Payroll office ([payroll@dexterschools.org](mailto:payroll@dexterschools.org)) and provide a copy of the birth certificate as soon as possible. Add your baby onto your health insurance plan within 30 days of the birth by creating a Life Event Change in the [messa.org](http://messa.org) Online Benefits portal. You do not need to wait until you have a Social Security Number for the baby. Bills submitted by the hospital will be denied until the baby is added to the policy.

**18) There is a day that I would like to work but am still on my leave of absence; can I work a day here and there?**

You may not work until you receive a full unrestricted release from your doctor. While you are on a medical leave, you need to concentrate on getting better. You risk injury if you were to do any work until you receive a full release from your doctor. Also, the District risks liability should you be injured while still under the care of your doctor.

**19) I have enjoyed my time with my baby but it is time to return to work; now what?**

Keep in contact with your principal about your return date. The District expects your return as outlined in your original request for leave of absence. The Executive Director of Human Resources, your principal, and the Payroll office are all involved with your leave of absence. Please provide a full unrestricted release from your doctor to the payroll office.

If you are a teacher on a leave of absence during the second semester of the school year and are due to return by the following September, you must submit a written letter to the Superintendent of your intent to return or not to return by March 1. Please refer to Article IX Leaves in the DEA contract for further information.

**20) Who do I contact with additional questions?**

If after reviewing this FAQ you have additional questions, email the payroll office at [payroll@dexterschools.org](mailto:payroll@dexterschools.org) or call x1014.