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Leave of Absence Procedures and Guidelines

Leave of Absence Packets are located on the MGSD website.

Employee submits the following to the financial secretary at the school site:

- Leave of absence form must be completed if an employee has been absent for more than 10 consecutive days.
- US Wage and Hour Division (WHD) forms must be submitted along with the leave of absence form. Estimated return to work date must be included. Choose the proper form for issue. *Ex. Employee illness would require an LOA request + **WH-380-E** form (US Wage and Hour Division). Employee that needs to care for family member would require an LOA request + **WH-380-F** form (US Wage and Hour Division). Military- LOA request and copy of orders only.*
- Voluntary Share Leave – Application for Participation (optional) – This form is approved only if the employee has exhausted all leave and the employee will be off payroll for more than 10 days. It will then be determined if the employee will suffer financial hardship because of a prolonged absence caused by a serious medical condition.

Financial Secretary Guidelines:

Once the leave of absence paperwork is received from the employee, it is imperative that all information is reviewed and completed. All designated boxes on the leave of absence form should be checked for:

- Employees' personal information
- Reasons for leave
- Continuous absence—10 or more consecutive days missed
- Intermittent absence—This leave can only be used for the remainder of the school year. The employee can work on an irregular basis and is taking leave in separate blocks of time rather than for one continuous period of time.
- Appropriate signatures and dates (Employee, Principal, and Financial Secretary)
- Financial Secretary is required to call the payroll specialist that is designated for the school/site and verify if the employee is or is not going off payroll
- The financial secretary's signature signifies that the verification process has been completed along with the date of completion.
- All leave of absence paperwork needs to be sent to the designated Human Resource Specialist for the approval process.

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Human Resource Procedures:

- Leave of absence paperwork is received from the financial secretary. It is reviewed and FMLA is determined if the employee is eligible. Paperwork needs to be submitted before or during absence to ensure approval.

Voluntary Shared Leave—Agreement to donate leave—must be reviewed for approval

The guidelines for approval are:

- Sick Leave—Donor is made aware of donation consequences. 20 Days of sick leave goes toward 1 month of early retirement.
- Continuous leave—Voluntary shared leave applications are approved only if the employee has exhausted all leave and will suffer financial hardship because of a prolonged or frequent short-term absence caused by a serious medical condition.
- Intermittent leave—Voluntary shared leave application is approved only if the employee will suffer financial hardship. This leave can only be used for the remainder of the calendar year.

The HR Specialist will determine approval of donated leave and forward it to the necessary departments.

Paid Parental Leave
Mothers = 8wks of paid leave **Fathers** = 4wks of paid leave
Adoption/Foster Care/Legal Guardianship = 4wks of paid leave

The guidelines for approval are:

- Employee must meet the 12-month requirement (and 1,040 hrs) in any PSU, NC State Agency, or other public entity providing paid parental leave to be eligible, with the exception of Charter Schools that opt not to provide paid parental leave.
- Birth of child or placement of child must have occurred on or after July 1, 2023.

There are two versions of the leave of absence request packet (Employee Illness and Family Member Illness).

Please make sure you use the correct forms for your leave type.

"Employee Illness" Packet
-Own Illness
-Surgery
-Maternity Leave
-Paternity Leave
-Placement of child for adoption/foster care

"Family Member Illness" Packet
-Care of Immediate Family Member

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MOORESVILLE

Request for Leave of Absence

LOA Request Form
Rev. 9/2023

To Be Completed by Employee:

Last 4 digits of SSN:	First Name	MI	Last Name	Position	Site/Home Base	Phone Number(s)

Type of Request: ☐ New ☐ Revision

Dates:

Last day I worked:

_____

I plan to Return to Work on:

_____

My absences will be:

☐ Continuous
☐ Intermittent

☐ Yes ☐ No

I understand that I am still responsible for any amount of insurance premium that is normally deducted from my check. If I go off payroll, I am responsible for making payment arrangements with the Finance Department for my insurance deductions.

☐ Yes ☐ No

I understand that I am expected to return to work as specified on my LOA form and failure to return to work on the specified date shall be judged as a voluntary resignation.

Reason for Leave:

☐ Estimates less than 60 calendar days
☐ Estimates more than 60 calendar days (contact Disability Rep at (704) 658-2530)

☐ Own Illness
☐ Care for Immediate Family Member
☐ Birth or Placement of a child for Adoption or Foster Care
☐ Educational/Professional Leave
☐ Military Leave
☐ Other (please indicate)_____

Check the type(s) of leave days that you plan to use:

☐ Paid Parental Leave
☐ Sick Leave
☐ Annual Leave
☐ Miscellaneous/Bonus Leave
☐ Request Voluntary Shared Leave *(Complete Application for Participation)*
☐ Without Pay

Voluntary Shared Leave:

Employees wishing to accept voluntary shared leave must complete the application for participation. Employees can only accept VSL if they will exhaust all their own accrued leave during their LOA period. Employees cannot accept more than they need.

☐ I plan to complete application to accept VSL.

Financial Data Manager: I have consulted with my Payroll Specialist and together:

☐ We have determined the employee has enough leave days and will NOT come off of payroll.
☐ We have determined the employee WILL come off the payroll. The last day on payroll is _____

Financial Data Manager's Signature _____ Date _____

***Financial Data Manager to contact HR to verify employee returned to work on the specified date.**

Signature indicates that I have read and understood the attached **Guidelines of LOA.** Also, I hereby request leave/absence from duty as indicated above and certify that such leave/absence is requested for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification on this form may be grounds for disciplinary action, including removal.

Employee _____ **Date** _____

Principal/Director signature serves as acknowledgment of employee's request for leave.

Director/Principal _____ Date _____

HR Use Only:

☐ **(Paid Parental Leave) 4 weeks**
☐ **(Paid Parental Leave) 8 weeks**
☐ **Not eligible for paid parental leave**

Paid Parental Leave from: _____ **to** _____

Required to use own leave from: _____ **to** _____

☐ **(FMLA)** ☐ **(LOA)**

Received and Approved by Human Resources Office

HR Specialist _____ **Date** _____

Chief HR Officer _____ **Date** _____

☐ Determined to be FMLA
☐ Not eligible for FMLA

Last Day on Payroll: _____
FMLA Ends: _____
Short Term Begins: _____
Benefit Coverage Ends: _____
May not use SL after: _____

Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor
Wage Hour Division

WAGE AND HOUR DIVISION

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR.
RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave to care for a family member with a serious health condition to submit a medical certification issued by the family member's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee **at least 15 calendar days** to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found on the WHD website at www.dol.gov/agencies/whd/fmla.

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308**. Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

(1) Employee name: _____
First *Middle* *Last*

(2) Employer name: _____ Date: _____ *(mm/dd/yyyy)*
(List date certification requested)

(3) The medical certification must be returned by _____ *(mm/dd/yyyy)*
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

SECTION II - EMPLOYEE

Please complete and sign Section II before providing this form to your family member or your family member's health care provider. The FMLA allows an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of your family member. If requested by your employer, your response is required to obtain or retain the benefit of the FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). **You are responsible for making sure the medical certification is provided to your employer within the time frame requested, which must be at least 15 calendar days.** 29 C.F.R. §§ 825.305-825.306. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA leave request. 29 C.F.R. § 825.313.

(1) Name of the family member for whom you will provide care: _____

(2) Select the relationship of the family member to you. The family member is your:

☐ Spouse ☐ Parent ☐ Child, under age 18
☐ Child, age 18 or older and incapable of self-care because of a mental or physical disability

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

Employee Name: _____

(3) Briefly describe the care you will provide to your family member: (*Check all that apply)*

☐ Assistance with basic medical, hygienic, nutritional, or safety needs ☐ Transportation

☐ Physical Care ☐ Psychological Comfort ☐ Other: _____

(4) Give your **best estimate** of the amount of leave needed to provide the care described: _____

_____

(5) If a **reduced work schedule** is necessary to provide the care described, give your **best estimate** of the reduced schedule you are able to work. From _____ *(mm/dd/yyyy)* to _____ *(mm/dd/yyyy),* I am able to work _____ (*hours per day*) _____ (*days per week).*

Employee Signature _____ **Date** _____ *(mm/dd/yyyy)*

SECTION III - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form below. A family member of your patient has requested leave under the FMLA to care for your patient. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a family member with a serious health condition. For FMLA purposes, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that *involves inpatient care* or *continuing treatment by a health care provider*. For more information about the definitions of a serious health condition under the FMLA, see the chart at the end of the form.

You also may, but are **not required** to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow disclosure of private medical information about the patient's serious health condition, such as providing the diagnosis and/or course of treatment.

Health Care Provider's name: *(Print)* _____

Health Care Provider's business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (____) _____ E-mail: _____

PART A: Medical Information

Limit your response to the medical condition for which the employee is seeking FMLA leave. Your answers should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. **After completing Part A, complete Part B to provide information about the amount of leave needed.** Note: For FMLA purposes, "incapacity" means the inability to work, attend school, or perform regular daily activities due to the condition, treatment of the condition, or recovery from the condition. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

(1) Patient's Name: _____

(2) State the approximate date the condition started or will start: _____ *(mm/dd/yyyy)*

(3) Provide your **best estimate** of how long the condition lasted or will last: _____

(4) For FMLA to apply, care of the patient must be medically necessary. Briefly describe the type of care needed by the patient (*e.g., assistance with basic medical, hygienic, nutritional, safety, transportation needs, physical care, or psychological comfort).*

_____

_____

Employee Name: _____

(5) Check the box(es) for the questions below, as applicable. For all box(es) checked, the amount of leave needed must be provided in Part B.

- ☐ **Inpatient Care**: The patient (☐ has been / ☐ is expected to be) admitted for an overnight stay in a hospital, hospice, or residential medical care facility on the following date(s): _____

- ☐ **Incapacity plus Treatment**: *(e.g. outpatient surgery, strep throat)*
  Due to the condition, the patient (☐ has been / ☐ is expected to be) incapacitated for *more than* three consecutive, full calendar days from _____ *(mm/dd/yyyy)* to _____ *(mm/dd/yyyy)*.

  The patient (☐ was / ☐ will be) seen on the following date(s): _____

  _____

  The condition (☐ has / ☐ has not) also resulted in a course of continuing treatment under the supervision of a health care provider *(e.g. prescription medication (other than over-the-counter) or therapy requiring special equipment)*

- ☐ **Pregnancy**: The condition is pregnancy. List the expected delivery date: _____ *(mm/dd/yyyy)*.

- ☐ **Chronic Conditions**: *(e.g. asthma, migraine headaches)* Due to the condition, it is medically necessary for the patient to have treatment visits at least twice per year.

- ☐ **Permanent or Long Term Conditions**: *(e.g. Alzheimer's, terminal stages of cancer)* Due to the condition, incapacity is permanent or long term and requires the continuing supervision of a health care provider (even if active treatment is not being provided).

- ☐ **Conditions requiring Multiple Treatments**: (*e.g. chemotherapy treatments, restorative surgery)* Due to the condition, it is medically necessary for the patient to receive multiple treatments.

- ☐ **None of the above**: If none of the above condition(s) were checked, (i.e., inpatient care, pregnancy) no additional information is needed. Go to page 4 to sign and date the form.

(6) If needed, briefly describe other appropriate medical facts related to the condition(s) for which the employee seeks FMLA leave. *(e.g., use of nebulizer, dialysis)* _____

_____

PART B: Amount of Leave Needed

For the medical condition(s) checked in Part A, complete all that apply. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your **best estimate** based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine if the benefits and protections of the FMLA apply.

(7) Due to the condition, the patient (☐ had / ☐ will have) **planned medical treatment(s)** (scheduled medical visits) *(e.g. psychotherapy, prenatal appointments)* on the following date(s): _____

_____

(8) Due to the condition, the patient (☐ was / ☐ will be) **referred to other health care provider(s)** for evaluation or treatment(s).

State the nature of such treatments: *(e.g. cardiologist, physical therapy)* _____

Provide your **best estimate** of the beginning date _____ *(mm/dd/yyyy)* and end date _____ *(mm/dd/yyyy)* for the treatment(s).

Provide your **best estimate** of the duration of the treatment(s), including any period(s) of recovery

_____ *(e.g. 3 days/week)*

Employee Name: _____

(9) Due to the condition, the patient (☐ was / ☐ will be) **incapacitated for a continuous period of time**, including any time for treatment(s) and/or recovery.

Provide your **best estimate** of the beginning date: _____ *(mm/dd/yyyy)* and end date _____ *(mm/dd/yyyy)* for the period of incapacity.

(10) Due to the condition it, (☐ was / ☐ is / ☐ will be) medically necessary for the employee to be absent from work to provide care for the patient on an **intermittent basis** (periodically), including for any episodes of incapacity i.e., episodic flare-ups. Provide your **best estimate** of how often (frequency) and how long (duration) the episodes of incapacity will likely last.

Over the next 6 months, episodes of incapacity are estimated to occur _____ times per (☐ day / ☐ week / ☐ month) and are likely to last approximately _____ (☐ hours / ☐ days) per episode.

Signature of
Health Care Provider _____ **Date** _____ *(mm/dd/yyyy)*

Definitions of a Serious Health Condition *(See 29 C.F.R. §§ 825.113-.115)*
Inpatient Care
• An overnight stay in a hospital, hospice, or residential medical care facility. • Inpatient care includes any period of incapacity or any subsequent treatment in connection with the overnight stay.
Continuing Treatment by a Health Care Provider (any one or more of the following)
Incapacity Plus Treatment: A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves either: o Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or, o At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health provider might prescribe a course of prescription medication or therapy requiring special equipment.
Pregnancy: Any period of incapacity due to pregnancy or for prenatal care.
Chronic Conditions: Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
Permanent or Long-term Conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
Conditions Requiring Multiple Treatments: Restorative surgery after an accident or other injury; or, a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the patient did not receive the treatment.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 15 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.