

**HAMILTON COUNTY DEPARTMENT OF EDUCATION  
3074 HICKORY VALLEY ROAD  
CHATTANOOGA, TENNESSEE 37421**

**MEMORANDUM**

**TO:** Hamilton County Board of Education  
  
Bryan Johnson, Ed.D.  
Superintendent

**FROM:** Lee McDade, Ed.D.  
Assistant Superintendent, Campus Support

**DATE:** December 21, 2017

**RE:** Second & Final Reading  
Board Policy 5.304  
Extended Leaves of Absence for Certificated/Classified Personnel

It is necessary to revise our current policy on extended leaves in order to provide clarification to several frequently asked employee questions. The revised policy will also emphasize timelines for submission of leave paperwork and documentation so that we can properly plan and provide coverage at schools in times of employee absence.

A copy of the new policy is attached for your approval.

# Hamilton County Board of Education

Monitoring: Click here to enter text.	Descriptor Term: <b>Extended Leaves of Absence for Certificated/Classified Personnel</b>	Descriptor Code: <b>5.304</b>	Issued Date:
		Rescinds:	Issued: <b>12/18/14</b>

1 **CERTIFICATED EMPLOYEES:**

2 Any person holding a position requiring a license to teach shall be granted leave for military service,  
3 legislative service, maternity, adoption, recuperation of health, educational improvements or other  
4 sufficient reason without loss of accumulated leave credits, tenure status, or other fringe benefits, if  
5 applicable. All leaves shall be requested in writing at least thirty (30) calendar days in advance on  
6 forms provided by the director of schools. 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

11 With regard to LOA's for the recuperation of health **or maternity leave**, the thirty (30) calendar day  
12 notice may be waived or reduced by the director of schools upon submission of a certified statement by  
13 a physician.

14 If the physician is unable to provide estimated date of return, LOA will be granted for no more than  
15 eight (8) weeks; ~~at which time employee will be required to request an extension.~~ **If an employee**  
16 **needs to extend leave beyond the eight-week leave period, the employee must formally request an**  
17 **extension from Human Resources no less than 30 days before the expiration of that eight-week leave**  
18 **period, unless the notice period is waived by the director of schools upon receipt of a certified**  
19 **statement by a physician. This request must be accompanied by updated documentation from a**  
20 **physician.**

21 Each request for leave must be acted upon by the director of schools within fifteen (15) working days.  
22 Each applicant shall be notified in writing of the action of the director and the beginning and ending  
23 dates of the leave which is granted. All leaves, except military leave, shall be from a specific date.  
24 However, any leave may be extended by the director of schools upon written request from the teacher.  
25 Military leave shall be granted for whatever period may be required. The procedure and condition for  
26 extending a leave are the same as those used when originally requesting and granting the leave.  
27 **Furthermore, if the employee seeks to extend leave, no less than thirty (30) days' notice must be given**  
28 **prior to the expiration of the leave.**

29 Positions vacated for less than twelve (12) calendar months by teachers on leave shall be filled with an  
30 interim teacher while the teacher is on leave. If the teacher returns from leave within twelve (12)  
31 calendar months, the interim teacher shall relinquish the position **provided the interim teacher is no**  
32 **longer under contract. If the teacher returns from leave and the interim teacher's contract has not yet**  
33 **ended, the interim teacher shall complete the full term of the interim contract before the teacher who**

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1 was on leave resumes performing the functions of his or her position. In the event the teacher returns  
2 prior to the end date of the interim contract, the teacher shall be placed in a comparable position until  
3 the expiration of the interim contract.

4 If the leave exceeds twelve (12) months, the teacher shall be placed in the same or a comparable  
5 position upon return. Please note that placement depends upon the teacher's licensure and position  
6 availability, as the teacher's original position is no longer guaranteed. A reasonable accommodation to  
7 extend leave may be explored for an employee who cannot return to work following twelve (12)  
8 months of leave due to a disability.

9 Any teacher on leave shall notify the director of schools at least thirty (30) calendar days prior to the  
10 date of return if the teacher does **not** intend to return to the position from which he/she is on leave.  
11 Failure to give such notice shall be considered breach of contract and may result in penalties up to and  
12 including suspension of a teacher's license for up to one calendar year.<sup>1</sup>

13 Certificated employees on an extended leave of absence are prohibited from accepting employment  
14 elsewhere, working elsewhere while on leave, or receiving compensation for work during the leave.

#### 15 **PAY AND BENEFITS-CERTIFIED**

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

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

#### 24 **CLASSIFIED EMPLOYEES:**

25 Any person may request leave for military service, legislative service, maternity, adoption,  
26 recuperation of health, educational improvements or other sufficient reason without loss of  
27 accumulated leave credits or other fringe benefits. All leaves shall be requested in writing at least thirty  
28 (30) calendar days in advance on forms provided by the director of schools. The application for leave  
29 forms shall require:

- 30
- 31 1. A description of the type of leave requested;
  - 32 2. The requested dates for beginning and ending the leave; AND
  - 33 3. A statement of intent to return to the position from which leave is granted.
- 34

35 With regard to LOAs for the recuperation of health, the thirty (30) calendar day notice may be waived  
36 or reduced by the director of schools upon submission of a certified statement by a physician.

37 If the physician is unable to provide an estimated date of return, LOA will be granted for no more than  
38 four (4) **eight (8)** weeks.;at which time employee will be required to request an extension. **If an**

1 employee needs leave extending beyond the eight-week leave period, then the employee must formally  
2 request an extension from Human Resources no less than 30 days before the expiration of that eight-  
3 week leave period. This request must be accompanied by updated documentation from a physician.

4 Each request for leave must be acted upon by the director of schools within fifteen (15) working days.  
5 Each applicant shall be notified in writing of the action of the director and the beginning and ending  
6 dates of the leave which is granted. All leaves, except military leave, shall be from a specific date to a  
7 specific date. However, any leave may be extended by the director of schools upon written request  
8 from the ~~teacher~~ employee. Military leave shall be granted for whatever period may be required. The  
9 procedure and condition for extending a leave are the same as those used when originally requesting  
10 and granting the leave. If the employee seeks to extend his or her leave, a minimum of thirty (30) days'  
11 notice must be given prior to the expiration of the original leave period, unless the notice period is  
12 waived by the director of schools upon receipt of a certified statement by a physician.

13 Unless required by law or other HCDE board policy (i.e., FMLA), the employee may or may not return  
14 to the same position depending upon business needs and job availability, as the employee's position is  
15 no longer guaranteed once FMLA (if eligible and applicable) is exhausted. While Board Policy allows  
16 for employees to take up to ~~if the leave exceeds~~ twelve (12) months of leave, the classified employee  
17 is not guaranteed a position, as the efficient operation of school and business functions must be  
18 considered. ~~As it is dependent upon job availability and needs.~~ A reasonable accommodation may be  
19 explored for an employee who cannot return to work following twelve (12) months of leave due to a  
20 disability. If an employee is released to return to work and a position is no longer available, the  
21 employee is welcome to apply for future openings.

22 Any employee on leave shall notify the supervisor at least thirty (30) calendar days prior to the date of  
23 return if the employee does not intend to return to the position from which he/she is on leave. Failure  
24 to give such notice shall be considered job abandonment and the employee will be terminated.

25 Classified employees on an extended leave of absence (other than to student teach/internship) are  
26 prohibited from accepting employment elsewhere, working elsewhere while on leave, or receiving  
27 compensation for work during the leave.

#### 28 **PAY AND BENEFITS-CLASSIFIED**

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

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

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Legal References:

<sup>1</sup> TCA 49-5-411(a)(b)

TCA 49-5-702 through TCA 49-5-709

Cross References:

Family Medical Leave 5.305

Military Leave 5.306

Physical Assault Leave 5.307

Sabbatical Leave 5.308

Legislative Leave 5.309elli