



VACATION AND LEAVE POLICY

G-35

I. SICK LEAVE

The sick leave plan for all employees shall be in accordance with the rules and regulations established by the State of Alabama and the Board of Education and are outlined as follows:

- A. All employees shall be allowed sick leave at the rate of one day per contracted month and shall be permitted to accumulate these days to the maximum the state allows.

- B. Full pay for sick leave shall be allowed only if the absences fall within the definition of sick leave established by the State Board of Education and outlined below:
 - 1. Personal illness
 - 2. Bodily injury which incapacitates the employee.
 - 3. Attendance upon an ill member of the employee's immediate family, i.e., husband, wife, father, mother, son, daughter, brother, sister, grandchildren, or a person standing in loco parentis.
 - 4. Death in the employee's immediate family, i.e., husband, wife, father, mother, son, daughter, brother, sister, in-laws, grandparents, grandchildren, or a person standing in loco parentis.
 - 5. Where unusually strong personal ties exist, due to an employee having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In each of such cases, the employee shall file with the Superintendent a written statement of the circumstances which justify an exception to the general rule.

- C. If an employee of the Board of Education is absent from his or her job due to personal illness or illness in the immediate family as described above, he or she shall notify his or her supervisor as soon as possible so that arrangements for substitutes can be made. If after a period of five (5) consecutive working days of absence an employee has failed to notify his or her supervisor then the Mountain Brook Board of Education will consider such absences as a resignation, unless circumstances beyond the control of the employee prevent the employee from giving notice.
 Note: Employees who are absent from work without personal leave or sick leave may be terminated depending on the circumstances.

D. If an employee of the Board of Education is absent from his or her job due to personal illness or illness in the immediate family as described above for more than ten (10) consecutive working days (or more than 5 days for food service employees), a physician's certificate will be required, stating the nature of the illness and the approximate date the employee should be able to return to his/her job, and such statement should be attached to the proper payroll form for the Business Department. Documentation may also be required if sick leave is used in an unusual manner. Sick leave is not transferable to another individual unless specifically allowed by state statute.

II. FAMILY AND MEDICAL LEAVE

Employees who are eligible under the Family and Medical Leave Act of 1993 (FMLA) may take leave for up to 12 workweeks during a calendar year for any one or more of the following reasons:

1. The birth of the employee's child, and to care for the newborn child during the first year after the birth;
2. The placement with the employee of a child for adoption or foster care, and to care for the newly placed child during the first year after the placement;
3. To care for the employee's spouse, son, daughter, or parent (but not for parent-in-law), who has a serious health condition; or
4. Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his/her job.

From the inception of the qualifying event, the 12-week FMLA leave entitlement is to be charged concurrently with accumulated sick leave, annual leave or leave without pay. Any FMLA leave taken for a single condition should be taken all at one time. An employee may take FMLA leave intermittently or by reducing his/her work schedule to care for a family member with a serious health condition or for the employee's own serious health condition, only if medically necessary and with proper medical certification. Any intermittent leave schedule must be approved by his or her supervisor and the superintendent.

The Board may require the employee to provide medical certification of the serious health condition from the attending health care provider. The certification must be submitted within 15 calendar days after the Board requests it. Failure to provide the certification in a timely manner according to policy may result in denial of taking leave and/or discipline up to and including termination. The Board may require, at its discretion and expense, a second medical opinion. If the first and second opinions differ, the Board, at its own expense, may require the binding opinion of a third health care provider approved jointly by the employee and the Board. The Board may require periodic recertification on a reasonable basis. The Board may also require, as a

condition of reinstatement, certification from a health care provider that the employee is able to resume work.

Spouses who are both employed by the Board are entitled to a maximum of twelve (12) weeks of leave combined (rather than twelve (12) weeks each) for the birth or placement of a child for adoption or foster care. However, if an employee's child or spouse is seriously-ill, both the employee and his or her spouse are each entitled to twelve (12) weeks of leave. Leave may begin prior to birth or placement, as circumstances dictate. An employee's FMLA entitlement to leave for the birth or placement of a child for adoption or foster care shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

During FMLA leave, the Board will maintain the employee's individual group insurance benefits at the same level and under the same conditions as if the employee had been working. Dependent insurance coverage must be paid by the employee. If an employee fails to return to work at the conclusion of the approved leave, he/she may be required to reimburse the Board for the employer's portion of the premium paid on their behalf during the leave.

Should an employee request FMLA-qualifying leave, the employee must give the Board at least thirty (30) days' advance notice of the need for leave when it is foreseeable, such as a birth, placement of a child for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member, and must set forth:

1. The reasons for the requested leave;
2. The anticipated duration of the leave; and
3. The anticipated start of the leave.

If 30 days' notice is not practicable, such as a medical emergency, notice must be given as soon as practicable (which ordinarily means at least verbal notification to the employee's supervisor within 1 or 2 business days of when the need for leave becomes known to the employee). Reasonable efforts must also be made to schedule foreseeable leave so as not to unduly disrupt work operations, subject to the doctor's approval. Failure to give the required notice may delay the taking of FMLA leave until at least 30 days after the date the employee provides notice to the Board of the need for FMLA leave.

To be eligible for the leave, an employee must:

1. Have been employed by the Board for a least one year as of the date leave commences, and
2. Have worked for the Board at least 1,250 hours in the past 12 months.

Upon timely return from FMLA-qualifying leave and proper certification, an eligible employee who has not been designated a “key” employee by the Board, will be restored to his/her last position or an equivalent position with equal pay, benefits, and other conditions and terms of employment.

Employees involved in disciplinary actions from management will still be under those actions after returning to work from FMLA leave of absence.

It is the policy of the Board not to unlawfully interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act (FMLA). It is not the intent of the Board to discharge or discriminate against any person for enforcing the FMLA or opposing practices made unlawful by FMLA; nor is it the Board’s intent to discharge or discriminate against any person because of involvement in any proceeding under or related to FMLA. FMLA’s enforcement procedures parallel those of the federal Fair Labor Standards Act. The FMLA will be enforced by the U.S. Department of Labor’s Wage and Hour Division. If an eligible employee has a complaint regarding an FMLA violation, he or she should discuss it with the supervisor, following the chain of command leading to the Board’s Personnel Office.

III. EMERGENCY LEAVE

Emergency Leave: On the basis of a written request approved by the Superintendent, emergency leave may be authorized in the case of extreme emergency when the year’s personal leave days have been expended. For each day of approved emergency leave there shall be a full salary deduction equal to the employee’s daily rate of pay.

IV. VACATION LEAVE

Vacation For All Twelve Month Employees: Twelve-month employees will be granted .8333 days vacation leave per month (10 days per year). After ten (10) years of service with the Mountain Brook Board of Education, they will earn 1-1/4 (1.25) days per month (15 days per year). All twelve month employees shall be permitted to accumulate vacation for a maximum of 20 days for less than 10 years of service and 30 days for greater than 10 years of service. At the beginning of his or her contract period (July – June for 12-month employees), if an employee’s vacation balance exceeds the accumulated limit he or she will lose the difference, unless specific authorization is given by the Superintendent. Taking unearned vacation shall not be allowed without permission of the Superintendent.

Twelve-month employees can use all their vacation prior to either retirement or resignation. In the event that an employee is terminated he or she will be reimbursed for any earned vacation days at his or her current daily rate. Vacation should be requested in writing at least 5 working days prior to the requested date, and may be granted by the administrator. Employees will not be reimbursed for earned vacation prior to the end of their employment with the school system.

V. PERSONAL LEAVE

Each employee shall be allowed three (3) days of personal leave with full pay for any annual contract period. After 15 years of service with the Mountain Brook Board of Education another personal leave day is awarded making a total of 4 personal days. Personal leave is non-cumulative.

Personal leave should be requested in writing at least 3 days in advance. In granting personal leave to employees, each school may have a daily limit of one per ten teachers or any fraction thereof. For example, if a school has 21 teachers, as many as three teachers may be away on personal leave on any one day. No personal leave shall be granted within the 10-day period beginning with Institute Day, nor during the last 10 days of the scholastic year, except in emergencies. At the end of a contract period any unused local personal leave days will automatically convert to sick leave for future use.

VI. PROFESSIONAL LEAVE

Upon written request by the employee and approval by the principal, professional leave may be granted for the purpose of attending national, regional, state or local meetings. The Board of Education will provide financial assistance on an equitable basis and to the extent that it is feasible.

VII. OTHER EXTENDED LEAVE

Upon written request by the employee, the Board may grant leaves of absence for up to one year for reasons other than those mentioned above; with the stipulation that the employee will be re-employed in the first vacant position for which he or she is qualified and certified. Such request should be submitted no later than March 15 prior to the next scholastic year.

VIII. CONTINUATION OF SALARY DURING ABSENCES DUE TO JOB-RELATED INJURY

It is the policy of the Mountain Brook Board of Education that salaries of employees shall be continued during absences due to job-related injuries for a period of up to ninety (90) working days. Such continuance is subject to the following requirements:

- A. Employee salaries may be continued during their absence due to job related injury upon presentation to the Superintendent of satisfactory evidence which demonstrates that the absence was due to job-related injury.
- B. Payments to an employee shall equal 100% of that employee's regular daily salary for each day absent from the job-related injury.

- C. Salary continuation may be made only for temporary disability where there is a reasonable expectation that the employee will return to work, and the salary continuation will not exceed ninety (90) working days.

Absence due to job-related injury shall be treated as sick leave for purposes of claiming reimbursement for substitutes and no deduction from employees' accumulated sick leave shall be required for paid absence due to job-related injury. However, this does not preclude an employee who is absent due to job-related injury from using sick leave.

The Superintendent shall establish procedures to ensure that employees absent from work will be informed about their rights to proceed before the Alabama State Board of Adjustment.

IX. MATERNITY LEAVE

At the employee's request, maternity leave may be granted without pay. The employee and the administrator will agree upon the length of the leave, taking into consideration the welfare of students for whom the teacher is responsible.

An employee on maternity leave must submit to the Superintendent written notification of her desire to return to work and will be assigned to fill the first available vacancy for which she is qualified and certified.

The employee may choose to use her accumulated sick leave days during the period of maternity leave. If so, she may use any accumulated sick leave, unless current regulations of the State Department of Education prohibit such payment.

X. SABBATICAL LEAVE

A full time certified teaching staff member with at least 15 years of service in the Mountain Brook School System shall be permitted to take a one-time, one-year sabbatical without pay and benefits; with the assurance that the teacher will be re-employed in the first available vacancy for which he or she is qualified and certified. Such requests must be submitted no later than March 15 prior to the next scholastic year. If the staff member taking sabbatical leave does not intend to return to his or her position, he or she should notify the Superintendent on or before March 1 of the sabbatical year.

XI. MISCELLANEOUS

A full-salary deduction shall be made for an absence from duty for reasons other than those covered by the above leave provisions. The salary deduction for each day of such absence shall be at the daily rate of pay.

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