

## SUPPORT STAFF LEAVES AND ABSENCES

**FILE: GDC**

**TITLE: Leave of Absence for Support Staff**

**POLICY:**

A leave of absence is permission granted by The School Board of Orange County, Florida ("Board") or allowed under its adopted rules for a staff member to be absent from duty for a specified period of time with the right to return to employment on the expiration of leave, provided such return is during the period of employment.

- (1) Leave may be with or without pay.
- (2) Any absence of any staff member from duty shall be covered by leave duly authorized and granted.
- (3) Leave shall be used for the purpose set forth in the leave application. Failure to take leave for the purpose set forth in the leave application without a duly granted amendment may result in immediate cancellation of the leave, disciplinary action up to and including dismissal.
- (4) Leave shall be officially granted in advance of taking such leave. Any request that leave be granted retroactively may be denied. Leave for illness or other emergencies may be deemed to have been granted in advance if the staff member makes a proper written report and explanation of the absence to his/her immediate supervisor or principal at the earliest practicable time on the first day of return to work after such absence.
- (5) No leave shall be granted for a period in excess of one (1) year.
- (6) No more than one (1) successive renewal of leave shall be approved.
- (7) The salary deduction for each day's absence shall be determined by multiplying the hourly rate of pay by the number of hours assigned per day.
- (8) A staff member may apply for leave as provided herein. The Superintendent or designee may grant a request when assured that the instructional program will not be impaired.
- (9) Leave may be reported in quarter hour (1/4) increments for support staff.
- (10) The necessary forms for verification of the reasons for absence shall be available in each school and district location. The immediate supervisor shall make the forms available for the staff member's completion and/or signature on the day the staff member returns to work. Staff members shall complete the forms within forty-eight (48) hours of returning to work.
- (11) Any staff member who is on unpaid leave pursuant to these rules and who desires continuing insurance policies provided by the Board shall be eligible for participating in the program and shall pay the premium for same.
- (12) Return from leave.

- (a) Leave granted pursuant to these rules shall not extend beyond the end of the school year in which said leave is granted.
  - (b) A ten (10) month staff member must notify the Orange County Public Schools (“OCPS”) Employment Services Department no later than April 1, in writing, of the intent to return the next school year. Failure to notify the OCPS Employment Services Department by April 1 shall result in loss of any and all employment rights the staff member may have had. Any unpaid leave applied for after April 1 shall include a letter of intent as to whether the staff member will return, or not return, to work. For a twelve (12) month staff member who desires an extension of leave, he/she shall submit a request to the Superintendent or designee in writing at least one (1) month prior to the termination of the leave.
  - (c) Each staff member shall be returned to his/her former position if a vacancy exists or to a substantially equivalent position.
- (13) No unpaid leave shall be granted until all paid sick leave is exhausted.

**SPECIFIC AUTHORITY:** Sections 1011.60; 1012.27; 1012.61; 1012.66; and 1012.67, Florida Statutes  
 Rules 6A-1.080 and 6A-1.082, Florida Administrative Code

**TITLE:** Leave Application

**POLICY:**

- (1) Requests for short term leave shall be entered through OCPS Employee Self-Service. Requests for long term leaves shall be in writing and on the form prescribed by the Board and shall be directed to the Superintendent. The application shall be submitted to the immediate supervisor and then shall be forwarded to the Superintendent for submission to the Board except where authority is otherwise provided for the approval of the leave.
- (2) When possible, all leaves, except sick leave, shall be applied for at least five (5) working days in advance of the date the leave is to commence except in cases of emergency.

**SPECIFIC AUTHORITY:** Sections, 1012.22, 1012.27, 1012.66, and 1012.68, Florida Statutes  
 Rules 6A-1.081, 6A-1.082, Florida Administrative Code

**TITLE:** Approval of Leave

**POLICY:**

Requests for long term leave shall be submitted on the proper OCPS Request for Leave of Absence form. Requests for short term leave shall be entered through OCPS

Employee Self-Service. Final approval shall be granted by the Superintendent or the Board as provided in this rule. It is the staff member's responsibility to review the status of all short term leave requests through OCPS Employee Self-Service. Any leave for an extended period of time or which is not explicitly covered in these rules shall be submitted to the Board for its consideration.

- (1) The following types of unpaid long term leave require approval by the Board:
  - (a) military leave in excess of 240 hours;
  - (b) personal leave in excess of ten (10) days;
  - (c) illness-in-line-of-duty leave in excess of ten (10) days in any one fiscal year;
  - (d) professional leave in excess of ten (10) days; and
  - (e) unpaid leave pursuant to the "Family and Medical Leave Act of 1993" not to exceed twelve (12) weeks.
  
- (2) The Superintendent is authorized to grant the following types of paid or unpaid short term leave or duty assignments:
  - (a) sick leave;
  - (b) personal leave not in excess of ten (10) days;
  - (c) annual leave;
  - (d) jury duty assignment;
  - (e) witness duty absence;
  - (f) temporary duty elsewhere;
  - (g) military leave not to exceed 240 hours; and
  - (h) professional leave not to exceed ten (10) days.

**SPECIFIC AUTHORITY:** Sections 1012.22; 1012.27; 1012.63; 1012.66; 115.07 and 1012.67, Florida Statutes  
Rules 6A-1.080 and 6A-1.081 Florida Administrative Code

**TITLE:** Notification of Absence

**POLICY:**

A staff member who expect to be absent from duty for any reason shall notify his/her supervisor or principal at the earliest possible time. Such notice shall be in advance of the absence unless conditions beyond the control of the staff member make such notice impossible.

**SPECIFIC AUTHORITY:** Sections 1012.66, and 1012.68, Florida Statutes  
Rules 6A-1.081, 6A-1.082 Florida Administrative Code

**TITLE:** Absence without Leave

**POLICY:**

Any staff member who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and shall be subject to suspension or dismissal from employment.

**SPECIFIC AUTHORITY:**

Section 1012.67, Florida Statutes

Rules 6A-1.080, 6A-1.081, 6A-1.082 Florida Administrative Code

**TITLE:** Sick Leave

**POLICY:**

- (1) Definition. Sick leave is defined as a staff member who is unable to perform his or her duty in the school or work location on account of personal sickness, accident, disability, or extended personal illness, or because of illness or death of the staff member's father, mother, brother, sister, husband, wife, parent in-law, child, or other close relative or member of his or her household.
- (2) Non-instructional Staff. Each member of non-instructional staff employed on a full-time basis shall be credited with four (4) days of sick leave upon the last day of the first month of employment. The staff member shall thereafter earn one (1) day of sick leave at the end of each month of employment provided that the staff member shall be entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment. Such leave shall not be used prior to the time it is earned and credited. Sick leave shall be taken only when necessary because of sickness as herein prescribed. Sick leave shall be cumulative from year to year with no limit on the number of days of sick leave a staff member may accrue.
- (3) Outside Accumulation. Unused accumulated sick leave acquired by a staff member in another Florida district shall be accepted by the Board according to the terms of this paragraph as follows: For each day of sick leave by said transferring staff member into this school district, said staff member shall be entitled to another day of credit from the verified accumulated sick leave in another Florida school district.
- (4) Claim for Short-Term Leave. Any claim for short-term sick leave shall be entered through OCPS Employee Self-Service upon return to duty.
- (5) Claim for Long-Term Leave. Any claim for long term sick leave shall be filed with the Superintendent immediately upon return of the staff member to duty. The long-term leave claim shall be in writing. Both type of claims shall set forth the days absent and indicate that such absences were allowable under the provisions of Section 1012.61, Florida Statutes. The claim(s) shall be duly signed by the claimant certifying that the facts are true and correct and that the claim(s) is/are valid and legal.
- (6) False Claims. A false claim for sick leave shall be deemed absent from duty without leave under these rules. Where there is any doubt as to the validity of a sick leave claim or the condition of the staff member to return to duty the Superintendent may require the claimant to file a written certification of illness from

a licensed physician or other supporting evidence where personal illness is not involved.

- (7) Unused Sick Leave. When a staff member retires and receives terminal pay benefits based on unused sick leave, all unused sick leave credit shall become immediately invalid.

**SPECIFIC AUTHORITY:** Sections 1012.27; 1012.61; 1012.62; 1012.66; 1012.67; and 1012.68, Florida Statutes

Rule 60S-6.001, Florida Administrative Code

**TITLE:** **Illness-in-Line-of-Duty Leave**

**POLICY:**

Any staff member shall be entitled to illness-in-line-of-duty leave with full pay when the staff member has to be absent from duties because of personal injury received in the discharge of duty or because of illness from any contagious or infectious disease contracted in his/her work location. A “no work” status is required from any authorized workers’ compensation physician.

- (1) Such leave shall not exceed ten (10) work days during any academic year.
- (2) Use of such leave shall result in no reduction of the staff member’s accumulated sick leave.
- (3) The Board, upon recommendation of the Superintendent or designee, may grant a benefitted staff member additional illness-in-line-of-duty leave under extenuating circumstances.

**SPECIFIC AUTHORITY:** Sections 1001.42; 1012.27; 1012.61; 1012.63; and 1012.66, Florida Statutes

Rules 6A-1.081 and 60S-4.007, Florida Administrative Code

**TITLE:** **Family and Medical Leave**

**POLICY:**

- (1) Staff members who have been employed for at least one (1) year and have worked for at least 1,250 hours during the preceding twelve (12) month period are eligible for family and medical leave. This is not a separate type of leave, but rather runs concurrently with other OCPS leaves. Except for those staff members designated as “highly compensated staff members,” staff members will be returned to the same or an equivalent position upon their return from family and medical leave.
- (2) Family or medical leave will consist of appropriate accrued paid leave and unpaid leave. If leave is requested for a staff member’s own serious health condition or

any of the other reasons listed below, a staff member must use all of his or her accrued sick leave first. The remainder of the leave period will then consist of unpaid leave.

(3) Reasons for Leave.

All staff members who meet the eligibility requirements may be granted family or medical leave consisting of appropriate accrued paid leave and unpaid leave, for a period of up to twelve (12) weeks (during any fiscal year) for the following reasons:

- (a) The birth of the staff member's child and in order to care for the child;
- (b) The placement of a child with the staff member for adoption or foster care;
- (c) To care for a spouse, child, or parent who has a serious health condition;
- (d) A serious health condition that renders the staff member incapable of performing the functions of his or her job;
- (e) Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the staff member is on active duty, or has been notified of an impending call or order to active duty, in the Armed Forces in support of a contingency operation; and
- (f) Up to twenty-six (26) weeks of leave to care for a covered service member with a serious injury or illness if the eligible staff member is the service member's spouse, son, daughter, parent, or next of kin.

(4) The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of birth or placement, as the case may be.

(5) Procedures for Requesting Leave.

- (a) In all cases, each staff member requesting leave must complete the OCPS approved Request for Leave of Absence form and return it to his or her supervisor. The completed request must state the reason for the leave is a reason pursuant to "FMLA", the duration of the leave, and the starting and ending dates of the leave. A copy will be sent to the OCPS FMLA office for processing and determination of eligibility for FMLA.
- (b) A staff member intending to take family or medical leave because of an expected birth or child placement, or because of a planned medical treatment, must submit an application for leave at least thirty (30) days before the leave is to begin. If leave is to begin within thirty (30) days, a staff member must give notice to / supervisor as soon as the necessity for the leave arises.

(6) Medical Certification.

- (a) Upon receipt, the designated OCPS department shall forward copies of all requests for leave of absence to OCPS FMLA Office for processing. Should the leave request appear to qualify for family and medical leave, the OCPS FMLA Office will forward to the requesting staff member a Certification of Health Care Provider form ("Certification") to be completed by the appropriate physician. The Certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. The Certification shall be kept confidential in the OCPS FMLA Office. The staff member is not required to send a copy of the Certification to his or her supervisor.
  - (b) If the staff member is needed to care for a spouse, child or parent, the Certification must so state, along with an estimate of the amount of time the staff member will be needed. If the staff member has a serious health condition, the Certification must state that the staff member cannot perform the functions of his or her job.
- (7) Benefits Coverage During Leave.
- (a) During the period of family or medical leave, a staff member will be retained on OCPS' health plan under the same conditions that applied before leave commenced. To continue health coverage, the staff member must continue to make any contributions that he or she made to the plan before taking leave.
  - (b) A staff member is not entitled to the accrual of any seniority or employment benefits while on unpaid FMLA leave. A staff member who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.
- (8) Restoration to Employment Following Leave.

A staff member eligible for family and medical leave, with the exception of those staff members designated as "highly compensated staff members," will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. It is not guaranteed that a staff member will be returned to his/her original position. A determination as to whether a position is an "equivalent position" will be made by OCPS Employment Services.

**SPECIFIC AUTHORITY:** Sections 110.221; and 1012.66, Florida Statutes  
 29 U.S.C. 2612  
 Rule 6A-1.081, Florida Administrative Code

**TITLE:** Military Leave

**POLICY:**

The Board will comply with the OESPA contract and the Uniformed Services Employment and Re-employment Rights Act, 38 U.S.C. 4301, et seq. To the extent the OESPA contract provides greater benefits and rights to the staff member than USERRA, the OESPA contract will control.

**SPECIFIC AUTHORITY:** Sections 115.07; 115.09; 115.14; 121.111; 250.341; 1012.33; and 1012.66, Florida Statutes

Rule 6A-14.0432, Florida Administrative Code

**TITLE:** Jury and/or Court Process Duty

**POLICY:**

For court appearances or duty performed pursuant to court process, by any staff member during work hours, the staff member shall receive full pay, allowances and/or reimbursements from the Board as follows:

- (1) When summoned to appear as a juror or as a witness (except as a character witness) in any civil or criminal action in which the staff member is neither plaintiff nor defendant, the staff member shall receive full pay, with the staff member retaining any payments or fees received from the court or other third parties for such appearance.
- (2) When summoned to appear as a defendant or as a witness in action arising out of and in the course of employment by the Board, the staff member shall receive full pay. Any payments or fees received from the court or other third parties for such appearances must be endorsed to the Board.
- (3) When a staff member is a litigant against the Board in a court of law or a state or federal agency proceeding, the staff member shall not be granted paid civic leave. In the alternative, a staff member may request personal leave with pay.
- (4) In all of the circumstances above, when the staff member is dismissed or excused by the court prior to 11:00 a.m., the staff member shall promptly return to work that day.

**SPECIFIC AUTHORITY:** Sections 40.271; and 1012.66, Florida Statutes

Rule 6A-1.081, Florida Administrative Code

**TITLE:** Temporary Duty Elsewhere

**POLICY:**

- (1) A staff member may be granted temporary duty as provided in Section 6A-1.081, State Board of Education Rules, when officially assigned short-term duties outside the OCPS district or outside the assigned work location. Any staff member granted temporary duty shall receive regular pay and may be allowed expenses when authorized by Policy DKC, Authorized Travel Expenses. The temporary duty shall be in lieu of the staff member's regular duties and the staff member shall not be classified or considered as being on leave.
- (2) A request for temporary duty shall be recommended by the staff member's supervisor and approved by the Superintendent or designee. The OCPS leave request entered through OCPS Employee Self-Service shall be used for assignment of temporary duty.

**SPECIFIC AUTHORITY:**

Section 1012.66, Florida Statutes

Rule 6A-1.081, Florida Administrative Code

**TITLE:** Personal Leave

**POLICY:**

- (1) Unpaid Personal Leave. A leave of absence may be granted for a period of up to one (1) year for personal reasons or family illness. With respect to family illness, appropriate medical documentation may be required.
  - (a) Exclusive of military leave, the Board shall not refuse a subsequent leave request without sufficient reason. Under normal circumstances, such leaves shall not exceed two (2) consecutive years.
  - (b) A staff members on extended unpaid leave shall notify the Superintendent of his/her intent to return prior to March 15 of the current year.
  - (c) Under normal circumstances, the deadline for applying for an unpaid leave of absence shall be April 1 of each year.
  - (d) A staff member may not accept employment during the period of time of the leave unless specific written approval is given by the Superintendent. If at any time it is determined that a staff member on leave has accepted employment, the leave shall be canceled and the staff member shall be subject to termination. Service as an Orange County substitute employee or service in a part-time Orange County instructional position of up to twenty (20) hours per week shall not constitute unauthorized employment for the purpose of this rule.
- (2) Paid Personal Leave. Each staff member shall be provided six (6) days to be used for the staff member's personal business or emergencies. A personal leave day may be used for any purpose at the discretion of the staff member.
  - (a) Staff members planning to use a personal leave day or days shall notify their principal or supervisor at least forty-eight (48) hours in advance, except in case of emergency.

- (b) Such personal leave shall be charged to sick leave and not be cumulative.
- (c) The statement "personal leave" shall be adequate explanation for such leave.
- (d) The staff member, upon return to duty shall complete the leave request through OCPS Employee Self-Service explaining the emergency in those cases where less than forty-eight (48) hours' notice was given.

**SPECIFIC AUTHORITY:** Sections 1012.27; 1012.66; and 1012.61, Florida Statutes  
Rule 6A-1.082, Florida Administrative Code

**TITLE:** Employee Sick Leave Bank

**POLICY:**

- (1) An OCPS Employees Sick Leave Bank ("Bank") shall be established to ease the financial impact of serious illness, accident, or injury. The terms and conditions that govern the administration of the Bank shall be those set forth in the contract between the Board and the Orange County Educational Support Personnel Association ("OESPA").
- (2) Administrative staff members shall be given the opportunity to become members of the Bank under the same terms and conditions as set forth in the contract between the Board and the bargaining unit.

**TITLE:** Donated Sick Leave to Family Members

**POLICY:**

- (1) An employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee.
- (2) The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool.
- (3) Donated sick leave shall have no terminal value.

**SPECIFIC AUTHORITY:** Section 1012.61, Florida Statutes

ADOPTED: 10/12/93  
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