

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## LEAVE POLICIES

5050

*References: KRS 161.152; KRS 161.153; KRS 161.155; KRS 161.158; KRS 161.770; KRS 61.394*

*Related to: 5050.01F; 5050.02F; 5050.03F; 5050.04AR; 5050.06AR*

The Board believes that employees function best when they feel that basic personal needs, current and projected, will be satisfied. To the extent possible within the limitations of fiscal resources, and appropriate priorities, the Board intends to provide leave benefits that will assure a staff free from personal concerns that interfere with their efficient and effective performance.

### 5050.01 DISABILITY/MEDICAL LEAVE

The Superintendent shall grant disability or medical leave provided such disability and illness is certified by a licensed physician. Staff shall be required to formally petition the Superintendent for disability or medical leave of absence on missing ten (10) consecutive days from his/her duties. Upon subsequent requests, such leave may be renewed by the Superintendent. Accumulated sick leave may be used during an approved disability or medical leave. Disability or medical leave that extends beyond accumulated sick leave pay shall be without pay.

### 5050.02 EMERGENCY

1. Full-time employees of the Board may receive up to two (2) days (non-cumulative) during any school year for emergency leave for reasons designated by the Board without loss of salary and without affecting sick leave.
2. Payments made by the Board for emergency leave are presumed to be for services rendered and for the benefit of the common schools. Emergency leave may be granted for bereavement due to the death of a relative or close personal friend; court appearances as a witness or to produce documents in response to a subpoena (excluding cases in which the employee is a party to the case); real estate closings, adoptions and other legal matters; disasters including tornados, fires, floods, or other like sources of damage to property requiring immediate attention.
3. Emergency leave must be approved by the Superintendent or designee. All requests should be made through the immediate supervisor.
4. Unused emergency days do not accumulate or carryover.

### 5050.03 JURY AND MILITARY DUTY

Any teacher or employee who serves on a jury in any duly constituted local, state or federal court shall be granted leave with full compensation, less any compensation received as jury pay, for the period of his actual jury service, which leave shall be in addition to all other leave to which the teacher or state employee may be entitled. The employee shall complete Form 5050.02F, "Non-Sick Leave" under the Section entitled, "Away from Work", at the time the employee is notified that his or her service on a duly constituted jury is required. Form 5050.02F shall be required in order to process the employee's payroll for the period of jury service. Leave shall be provided pursuant to National and State law for staff members who serve in the National Guard or Reserve units of the United States Armed Forces.

### 5050.04 PERSONAL LEAVE

Employees may be granted up to three (3) days of personal leave with pay each year under the following provisions:

1. The principal or immediate supervisor shall be notified in writing at least one day in advance of the employee's intent to use a personal leave day. Principals and Supervisors have discretion to approve or deny personal leave days to ensure that requests do not impact the instructional or learning environment
2. The number of certified employees granted personal leave shall not exceed three (3) on any one day at any school with more than one hundred (100) total certified and classified staff members, two (2) staff members on any one day at any school with less than one hundred (100) total certified and classified staff members.
3. The number of classified employees granted personal leave shall not exceed three (3) on any one day at any school with more than one hundred (100) total certified and classified staff members, two (2) staff members on any one day at any school with less than one hundred (100) total certified and classified staff members.
4. The number of transportation department employees granted personal leave shall not exceed four (4) on any one day. The allocation of days shall be limited to two (2) staff members from the driver/attendant area, one (1) staff member from the service department and one (1) staff member from the office area.
5. The Superintendent may increase the maximum number of personal days granted per building or department if it is in the best interest of the district.
6. Use of personal leave is discouraged during the first three (3) days or the last seven (7) teaching days in the school year.

Adopted

Oldham County Board of Education

April 18, 1977

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7. A personal leave day cannot be used by a certified staff member on a Teacher Work Day or Conference Flex Day designated on the school calendar.
8. A personal leave day may be used by classified staff on a Teacher Work Day or Conference Flex Day designated on the school calendar. Principals and Supervisors have discretion to approve or deny personal leave days to ensure the requests do not impact the instructional or learning environment.
9. A personal leave day shall be equivalent to the number of hours of the employee's regular workday.
10. A personal leave day may not be used in less than ¼-day increments.
11. Unused personal days shall not accumulate or carryover.

### 5050.05 PROFESSIONAL LEAVE

Subject to administrative recommendation for subsequent approval by the Superintendent, tenured certified employees may be granted a leave of absence from the district for one (1) year at no cost to the district. Provisions are:

1. Written application for leave must be requested from the Superintendent and acted upon before April 1st of the academic year prior to the contemplated leave.
2. A leave is granted for not more than three (3) consecutive school years for educational or professional purposes, including renewals.
3. An individual returning after a leave will receive the same consideration for reemployment for the ensuing year as he/she would receive if not on leave-of-absence.
4. No experience credit for salary purposes will be granted for the period of the leave.

### Conferences and Visitations:

The Superintendent may authorize professional leave upon written application for attendance of employees at State, Regional and National meetings without pay deduction. For employees who are non-delegates, the number of absences allowable for professional leave is a value judgment on the part of the Superintendent and is subject to budget limitations for employing substitutes and reimbursements for travel, meals and lodging. If the superintendent requests professional leave, said request must be made in writing to the board, and acted on at the next board meeting.

### 5050.06 SICK LEAVE

#### Certified Staff

1. The Board's policy is as prescribed in KRS 161.155. Staff members employed for 187 annual days shall be granted ten (10) days of sick leave each year, Staff members employed for 189-219 annual days shall be granted eleven (11) days of sick leave each year, Staff members employed for 220-240 annual days shall be granted twelve (12) days of sick leave each year. Staff members who retire or resign during the school year will be credited with a pro-rata number of sick days based on the date of retirement or resignation. There are no sick leave provisions for extra-curricular contracts.
2. Extra-curricular sponsors or coaches who cannot perform their extra-curricular duties due to illness, the contract shall be terminated with another sponsor or coach employed to complete the season. Compensation shall be pro-rated based on the period of time the disabled sponsor was able to perform, after notice of the pro-ration is provided to the employee.

#### Classified Staff

##### 1. Full-Time Employees

the Board shall allow twelve (12) days sick leave during each year without deduction of salary for all 12-month classified. Sick leave accrues at one (1) day per month up to twelve (12). If a classified employee resigns their position and has used more sick leave than earned, the appropriate amount will be deducted from their final pay. Days of sick leave shall accumulate without limitation.

##### 2. Regular Full-Time Bus Drivers

The Board shall allow ten (10) days sick leave during each year without deduction of salary. Days of sick leave shall accumulate without limitation.

##### 3. Part-Time Employees

(less than half time employment) there are no sick leave provisions for part-time employees.

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When an employee terminates voluntarily or is terminated by the Superintendent, the employee's sick leave account is cancelled unless the termination results in a break in service of eleven (11) or fewer days. Employees who experience a break in service of eleven (11) or fewer days between the termination of their current position in a school district (or the Kentucky Department of Education) and the commencement of a new position within the district will not lose their accumulated sick days. For employees who are not employed on a year-round basis, summer break will not be included in the calculation of the 11-day break in service, so long as the employee fulfilled the prior year's contract.

### Transfer of Sick Leave

1. New employees to the school district may transfer days of accumulated sick leave pursuant to provisions of KRS 161.155.
2. Employees claiming workers' compensation income benefits who have sick leave available may voluntarily choose to use sick leave in order to maintain the equivalent of full salary for the days they are unable to work. To coordinate benefits in connection with the employee's election to use sick leave, the employee shall pay to the District a sum equal to workers' compensation income benefits received for the same period that the employee uses sick leave. The employee may make such payment by endorsing the workers' compensation benefits check to the District or by paying the District by personal check or cash. The employee's sick leave balance shall then be reinstated to the extent of such payment. Employees shall not be entitled to payment in excess of one hundred percent (100%) of contracted salary.

### 5050.07 GRANT OR DENIAL OF LEAVE

The Superintendent may grant or deny requests for any type of leave not included specifically in sections 5050.01-5050.06.

### 5050.08 LEAVE WITHOUT PAY

Request for Leave without Pay shall be submitted in written form to the building principal who upon attaching his recommendation shall submit same to the Superintendent. If requests for Leave without Pay include days immediately prior to and immediately after a paid holiday, then the holiday shall also be without pay. Leave without pay requests submitted by the superintendent shall be acted on by the board on a timely basis.

### 5050.09 SICK LEAVE BANK - CERTIFIED

#### 1. Definition

Sick Leave Bank shall mean an aggregation of sick leave days contributed by certified personnel for use by members of the sick Leave Bank who have exhausted all sick leave and other available paid leave days. Sick leave is to be considered under the criteria established in Policy 5050.06.

Provided twenty-five percent (25%) of the eligible full-time certified staff agrees to participate, the Board shall authorize a sick leave bank. Any full-time certified employee who is entitled to ten (10) or more sick leave days per year is eligible for participation in the Sick Leave Bank.

#### 2. Membership

By completing and submitting to the Superintendent or designee a Sick Leave Bank membership card, eligible certified employees may participate in the Sick Leave Bank. Commitment to participate in the bank must be made by October 1 of any school year. Teachers and/or administrators employed after October 1 shall have thirty-(30) working days to declare membership in the Sick Leave Bank. Once participation has been declared, the employee shall be annually enrolled in the bank until she/he withdraws via written request.

#### 3. Contributions

In order to establish membership in the Sick Leave Bank, each employee shall contribute one (1) of his/her sick leave days to the bank at initial enrollment. The Approval Committee shall be authorized to require members to contribute additional days when the level of available days falls below 25. If a sick bank member chooses not to contribute the additional assessed days, he/she immediately forfeits their membership in the bank and lose any days previously contributed. The day or days, once contributed to the bank, become the property of the bank and may not be reclaimed by the employee except as specified in this policy. Sick days contributed to the bank will be deducted from the sick leave days available to contributing employees.

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### 4. Administration

The Assistant Superintendent for Support Services and one (1) high school, one (1) middle school, and two (2) elementary school teachers elected by and from the sick leave bank membership shall form an Approval Committee for the bank. Elected committee members shall serve alternating two (2) year terms. Management of the Sick Leave Bank shall be the responsibility of the Approval Committee chairperson who shall be elected annually by the Committee members.

Application for the use of the sick leave bank days shall be made in writing to the approval committee. The committee will meet within ten (10) working days of the receipt of the request to consider approval or disapproval. The days authorized by the approval committee shall be by majority vote of the committee with three (3) votes constituting a majority. Decisions rendered by the approval committee shall be final.

Sick leave bank approval committee members shall not rule on their own applications or on applications of a relative.

A member may request sick bank days up to one half (1/2) the total number of accumulated sick leave days she/he had at the beginning of the current school year under the following conditions:

1. Requested days must be covered by a doctor's note verifying the staff member was unable to work.
2. The approval committee may allocate up to 30 additional sick days after considering injury, accident, or illness reports and/or other pertinent medical information.
3. When Annual sick bank days in excess of 1/2 of an eligible participants beginning balance are requested, the approval committee should consider the following additional factors in their decision to award extra sick bank days:
  - a. Number of years in public education and the Oldham county system.
  - b. Number of sick days used by member while in public educational or Oldham County System.
  - c. Pattern of usage, evidence of significant accident, illness, or injury.
4. "Normal" maternity leave is not covered.

### 5. Discontinuation

In the event that the Board discontinues the Bank, all employees who are members of the Bank at the time of discontinuation shall remain members without additional contributions until all days in the Bank are exhausted.

## 5050.10 SICK LEAVE BANK - CLASSIFIED

### 1. Definition

Sick leave bank shall mean an aggregation of sick days contributed by classified personnel for use by members of the sick leave bank who have exhausted all sick leave and other available paid leave days. Sick leave is to be considered under the criteria established in policy 5050.06.

Provided twenty-five percent (25%) of the eligible full-time classified staff agrees to participate, the board shall authorize a sick leave bank. Any full-time classified employee who is entitled to ten (10) or more sick leave days per year is eligible for participation in the sick leave bank.

### 2. Membership

By completing and submitting to the superintendent or designee a sick leave bank membership card, eligible classified employees may participate in the sick leave bank. Commitment to participate in the bank must be made by October 1 of any school year. Classified staff employed after October 1 shall have thirty (30) working days to declare membership in the sick leave bank. Once participation has been declared, the employee shall be annually enrolled in the bank until she/he withdraws via written request.

### 3. Contributions

In order to establish membership in the sick leave bank, each employee shall contribute one (1) of his/her sick leave days to the bank at initial enrollment. The approval committee shall be authorized to require members to contribute additional days when the level of available days falls below 25. If a sick leave bank member chooses not to contribute the additional assessed days, he/she immediately forfeits their membership in the bank and lost any days previously contributed. The day or days, once contributed to the bank, become the property of the bank and may not be reclaimed by the employee except as specified in this policy. Sick days contributed to the bank will be deducted from the sick leave days available to contributing employees.

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### 4. Administration

The sick leave bank approval committee shall be composed of four (4) elected members and the Assistant Superintendent for Support Services. The elected committee members shall serve alternating two (2) year terms. Management of the sick leave bank shall be the responsibility of the approval committee chairperson who shall be elected annually by the committee members. The four (4) elected members shall represent transportation, foodservices, maintenance/custodial, and the clerical staff. Each area will nominate and elect their representative to the committee.

Application for the use of the sick leave bank days shall be made in writing to the approval committee. The committee will meet within ten (10) working days of the receipt of the request to consider approval or disapproval.

The days authorized by the approval committee shall be by majority vote of the committee with three (3) votes constituting a majority. Decisions rendered by the approval committee shall be final. Sick leave bank approval committee members shall not rule on their own applications or on applications of a relative.

A member may request sick bank days up to one half (1/2) the total number of accumulated sick leave days she/he had at the beginning of the current school year under the following conditions:

1. Requested days must be covered by a doctor's note verifying the staff member was unable to work.
2. If the Approval Committee approves the maximum days allowed above (½ the total number of accumulated sick leave days he/she had at the beginning of the current school year), the approval committee may allocate up to 30 additional sick days after considering injury, accident, or illness reports and/or other pertinent medical information.
3. When Annual sick bank days in excess of 1/2 of an eligible participants beginning balance are requested, the approval committee should consider the following additional factors in their decision to award extra sick bank days:
  - a. Number of years in public education and the Oldham county system.
  - b. Number of sick days used by member while in public educational or Oldham County System.
  - c. Pattern of usage, evidence of significant accident, illness, or injury.
4. "Normal" maternity leave is not covered.

### 5. Discontinuation

In the event that the Board discontinues the Bank, all employees who are members of the Bank at the time of discontinuation shall remain members without additional contributions until all days in the Bank are exhausted.

### 5050.11 EMPLOYEE SICK LEAVE DONATION PROGRAM

Effective July 1, 1999, there shall be a sick leave donation program for all employees. An employee is permitted to voluntarily contribute sick leave to another employee in the Oldham County School District who may be in need of an extended absence from school. The donor employee's sick leave balance may not be reduced below fifteen (15) sick leave days. If the receiving employee is a member of the district's sick bank, the receiving employee must apply for days through the sick bank prior to applying for donated days.

#### Process for donation of sick leave days.

1. An employee who has accrued more than fifteen (15) sick days may complete a Sick Leave Donation Form (5050.093-AR), requesting the Board to transfer the number of designated days to another employee who is authorized under subsection (2) of this section to receive the donated sick leave.
2. An employee may receive a sick leave donation if:
  - a. (i) the employee or a member of his or her immediate family suffers from a medically certified illness, injury, impairment, or physical or mental condition that has caused or is likely to cause the employee to be absent for at least ten (10) days;
  - (ii) the teacher or employee suffers from a catastrophic loss to his or her personal or real property, due to natural disaster or fire, that would likely cause the teacher or employee to be absent for at least ten (10) consecutive days;
  - b. the necessity for the absence and use of leave is certified by a licensed physician for leave requested under subparagraph (2)(a)(i);

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- c. the receiving employee has exhausted his or her accumulated sick leave, personal leave, or any other leave granted by the district, including any days applied for and received from the district's sick bank; and
  - d. the receiving employee has complied with all OCBE policies governing the use of sick leave.
3. An employee who is resigning may donate up to thirty percent (30%) of their accrued sick days to another employee who qualifies to receive donated days according to subparagraph 2(b), as long as the employee's sick days do not decrease below 15 days.
  4. Donated sick leave that is not then used by the donee employee and will not be needed in the fiscal year shall be returned to the donor employee.

### 5050.12 FAMILY AND MEDICAL LEAVE

Any eligible employee may take up to 12 weeks of unpaid, job-protected leave during a twelve-month period:

1. to care for the employee's child after birth or placement for adoption or foster care;
2. to care for the employee's spouse, child or parent who has a serious health condition; or
3. due to a serious health condition that makes the employee unable to perform the employee's job.

An "eligible employee" is someone who has been employed by the Oldham County Schools for one year and has worked a total of 1,250 hours in the previous 12 months.

The 12-month period during which an employee may take Family and Medical Leave (FMLA) is a 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period will begin the first time FMLA leave is requested following the expiration of the prior 12-month period in which FMLA leave was taken.

When possible, the employee must provide 30 days written notice to the Director of Personnel. In the case of a serious health condition, the employee shall be required to provide medical certification and a verification of fitness upon his/her return to work.

The use of this leave shall not result in any loss of an employment benefit that occurred prior to the leave, and employees will be restored to equivalent positions or, when practical, original positions upon return. However, the use of unpaid leave will result in loss of retirement credit for those employees enrolled in the Kentucky Teacher Retirement System (KTRS). Members may apply to KTRS for lost credit.

Employees may elect to use accrued paid leave concurrently with utilizing leave pursuant to Family and Medical Leave Act.

### 5050.13 MILITARY FAMILY LEAVE ENTITLEMENTS.

Employees with covered family members in the military may be eligible for two additional types of leave under the Family and Medical Leave Act.

#### Military Caregiver Leave (MCL)

1. An employee who meets the eligibility criteria under 5050.12(2) who is the spouse, son, daughter, parent or next of kin of a Covered Service Member will be granted up to a total of 26 workweeks of unpaid leave during any single 12-month period beginning on the first day the employee takes MCL and ends 12-months later regardless of the time period established for any other type of FMLA leave.
2. A Covered Service Member is a current member of the Armed Forces (including the National Guard or Reserves) who is:
  - a. undergoing medical treatment, recuperation, or therapy;
  - b. otherwise in outpatient status; or
  - c. otherwise on the temporary disability retired list, for a Serious Injury or Illness.
3. A Serious Injury or Illness under this section is one that was incurred by the service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
4. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. Only 12 of the 26 weeks may be for a FMLA-qualifying reason other than to care for a covered service member.

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5. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a “single 12-month period” if the leave is to care for a covered servicemember with a Serious Injury or Illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

Notice. Employees seeking to use MCL must provide 30 days’ advance notice of the need to take FMLA leave for planned medical treatment for a Serious Injury or Illness of a covered servicemember. If leave is foreseeable but 30 days’ advance notice is not practicable, the employee must provide notice as soon as practicable – generally either the same or next business day.

### Qualifying Exigency Leave (QEL)

1. An employee who meets the eligibility criteria under 5050.12(2) will be granted up to a total of 12-weeks of unpaid leave during the 12-month period established under 5050.12(3) for other types of FMLA leave for Qualifying Exigencies arising out of the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.
2. Qualifying Exigency Leave is available to a family member of a military member in the National Guard or Reserves only; it does not extend to the Regular Armed Forces.
3. Qualifying Exigencies include:
  - a. Issues arising from a covered military member’s short notice deployment (i.e. notice of seven or fewer days) for a period of seven days from the date of notification;
  - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored by or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
  - c. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
  - d. Making or updating financial and legal arrangements to address a covered military member’s absence.
  - e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
  - f. Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment.
  - g. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status, and addressing issues arising from the death of a covered military member.
  - h. Any other event that the employee and employer agree is a qualifying exigency.

Notice: An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for QEL is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.

### Intermittent Leave.

1. Leave may be taken intermittently when medically necessary to care for a covered servicemember with a Serious Illness or Injury (MCL). FMLA leave also may be taken intermittently for a Qualifying Exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer’s operation.
2. If the requested leave qualifies as both leave to care for a covered service member with a Serious Injury or Illness (MCL) and leave to care for a qualifying family member with a serious health condition, the district will designate the leave as leave to care for a covered service member (MCL) in the first instance. The employee

Adopted

Oldham County Board of Education

April 18, 1977

*Revised: July 21, 1980, Nov. 16, 1981, July 26, 1982, July 5, 1983, July 7, 1986, July 9, 1987, June 6, 1988, June 19, 1989, November 5, 1990, January 14, 1991, May 17, 1993, May 15, 1995, June 5, 1995, February 26, 1996, March 18, 1996, April 29, 1996, June 24, 1996; : July 28, 1997, March 23, 1998, June 22, 1998, July 27, 1998, April 19, 1999, June 28, 1999, June 26, 2000, March 19, 2001, August 27, 2001, April 26, 2004, February 28, 2005, July 25, 2005, February 21, 2006, April 28, 2008, July 27, 2009, April 26, 2010, March 26, 2012, July 3, 2012, July 28, 2014, July 1, 2015, February 22, 2016, July 25, 2016, February 27, 2017, March 20, 2017, September 24, 2018, March 25, 2019, May 20, 2019, April 27, 2020*

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## LEAVE POLICIES

5050

*References: KRS 161.152; KRS 161.153; KRS 161.155; KRS 161.158; KRS 161.770; KRS 61.394*

*Related to: 5050.01F; 5050.02F; 5050.03F; 5050.04AR; 5050.06AR*

will receive written notice of this designation within 5 business days of the determination. In addition, the employee will receive notice of the number of hours, days or weeks that will be counted against the employee's FMLA entitlement.

### 3. Certification Requirements:

An employee's request for military family leave must be supported by an appropriate certification. Second and third opinions and recertification are not permitted for certification of a covered servicemember's Serious Injury or Illness or of a Qualifying Exigency.

### Medical Care Leave.

1. Leave to care for a covered servicemember with a Serious Injury or Illness must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.
2. The district's Personnel Director, leave administrator, or Superintendent for Administrative Support Services – but not the employee's direct supervisor – may authenticate or clarify a medical certification of a Serious Injury or Illness, or an ITO or ITA.

### Qualified Exigency Leave.

1. Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.
2. The district's Personnel Director or his or her designee may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

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