

**- CERTIFIED PERSONNEL -****Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993, as amended (FMLA), and under procedures developed by the Superintendent eligible employees may take up to twelve (12) workweeks of unpaid family and medical leave each rolling 12 month period for the following reasons:

1. For the birth and care of an employee's newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
4. To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a service family member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

**NOTICES AND DEADLINES**

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate a certification of healthcare provider form submitted in support of a family and medical leave request about which there are questions. The employee's direct supervisor shall not contact the provider.

## **Family and Medical Leave**

### **NOTICES AND DEADLINES (CONTINUED)**

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known). When leave is needed for planned medical treatment, the employee must consult with the District about the leave schedule.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

### **ELIGIBILITY**

Employees are eligible for FMLA leave if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave.

Full-time teachers on the 187 Board approved calendar and who work 6.5 hours a day are deemed to meet the 1,250 hour test if they have been employed in the District for twelve (12) months, worked at least 1,215 hours during the twelve (12) months preceding the start of the leave and otherwise qualify for family and medical leave. -In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

### **RESTRICTIONS**

Leave that is taken by an eligible employee for any of the designated reasons shall be counted as family and medical leave, even if the employee does not request leave under the FMLA. If an employee is entitled to paid leave under any Kentucky statute, other District policy, or collective bargaining agreement, the employee may elect to substitute the paid leave for unpaid FMLA leave, and the paid leave shall run concurrently with the FMLA leave. Employee elections for paid or unpaid leave shall remain final.

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with family and medical leave entitlement.

Paid leave used by the employee under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Per Board policy 03.1233, an employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional FMLA leave for a recovery after the birth or for the illness of the new born may be used when the need is verified by a physician's statement. Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

**Family and Medical Leave****RESTRICTIONS (CONTINUED)**

When both spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis for a serious health condition of the employee or a family member. Intermittent leave or a reduced leave schedule may be taken for other reasons only at the District's discretion. The District may temporarily transfer an employee to an available alternative position or may alter an existing job to better accommodate intermittent or reduced schedule leave. If intermittent leave or reduced schedule leave is requested for planned medical treatment, and if the leave would cover more than twenty (20) percent of the working days in the period of leave, the District may require the employee either to take leave for a period or periods not greater than the duration of the treatment, or to transfer temporarily to an alternative equivalent position which better accommodates such leave.

**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued before the leave began. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Employees on leave shall pay their portion of health insurance premiums unless they choose to terminate health insurance. If an employee substitutes paid leave for family and medical leave, the employee's portion of health insurance premiums will be paid by payroll deduction during the period of paid leave.

Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work.

Upon return to work, the employee shall be entitled to his/her same position (or a position with equivalent pay, benefits, and terms and conditions of employment) as determined by established District policies, practices and collective bargaining agreements. However, the employee has no greater right to reinstatement or benefits than if the employee had not taken any leave.

**Family and Medical Leave****NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**MISCELLANEOUS**

Except as set forth in this policy, the District reserves the right to exercise all discretion afforded to it under the FMLA and federal regulations. This policy shall not expand eligibility for leave beyond what is required by federal law. To the extent that this policy fails to state any limitations or requirements set forth in the FMLA and federal regulations, such limitations or requirements shall apply. If greater rights are provided under any collective bargaining agreement, such rights shall apply.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825  
[OAG 17-022](#)

**RELATED POLICIES:**

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

Adopted/Amended: 1/10/2017  
Order #: 2017-012



**- CLASSIFIED PERSONNEL -****Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993, as amended (FMLA), and under procedures developed by the Superintendent, eligible employees may take up to twelve (12) workweeks of unpaid family and medical leave each rolling 12 month period for the following reasons:

1. For the birth and care of an employee's newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
4. To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign county of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

**NOTICES AND DEADLINES**

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate a certification of healthcare provider form submitted in support of a family and medical leave request about which there are questions. The employee's direct supervisor shall not contact the provider.

## **Family and Medical Leave**

### **NOTICES AND DEADLINES (CONTINUED)**

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known). When leave is needed for planned medical treatment, the employee must consult with the District about the leave schedule.

*Deadline for Notice to be Provided:* Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

### **ELIGIBILITY**

Employees are eligible for FMLA leave if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave.

Full-time classified employees on the 187 Board approved calendar and who work 6.5 hours a day are deemed to meet the 1,250 hour test if they have been employed in the District for twelve (12) months, worked at least 1,215 hours during the twelve (12) months preceding the start of the leave and otherwise qualify for family and medical leave. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

### **RESTRICTIONS**

Leave that is taken by an eligible employee for any of the designated reasons shall be counted as family and medical leave, even if the employee does not request leave under the FMLA. If an employee is entitled to paid leave under any Kentucky statute, other District policy, or collective bargaining agreement, the employee may elect to substitute the paid leave for unpaid FMLA leave, and the paid leave shall run concurrently with the FMLA leave. Employee elections for paid or unpaid leave shall remain final.

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the family and medical leave entitlement.

Paid leave used by the employee under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Per Board policy 03.2233, an employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional FMLA leave for a recovery after the birth or for the illness of the new born may be used when the need is verified by a physician's statement. Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

**Family and Medical Leave****RESTRICTIONS (CONTINUED)**

When both spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave. Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

**INTERMITTENT LEAVE/REDUCED HOURS**

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis for a serious health condition of the employee or a family member. Intermittent leave or a reduced leave schedule may be taken for other reasons only at the District's discretion. The District may temporarily transfer an employee to an available alternative position or may alter an existing job to better accommodate intermittent or reduced schedule leave. If intermittent leave or reduced schedule leave is requested for planned medical treatment, and if the leave would cover more than twenty (20) percent of the working days in the period of leave, the District may require the employee either to take leave for a period or periods not greater than the duration of the treatment, or to transfer temporarily to an alternative equivalent position which better accommodates such leave.

**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued before the leave began. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Employees on leave shall pay their portion of health insurance premiums unless they choose to terminate health insurance. If an employee substitutes paid leave for family and medical leave, the employee's portion of health insurance premiums will be paid by payroll deduction during the period of paid leave.

Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

**RETURN TO WORK**

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work.

Upon return to work, the employee shall be entitled to his/her same position (or a position with equivalent pay, benefits, and terms and conditions of employment) as determined by established District policies, practices and collective bargaining agreements. However, the employee has no greater right to reinstatement or benefits than if the employee had not taken any leave.

**Family and Medical Leave****NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

**MISCELLANEOUS**

Except as set forth in this policy, the District reserves the right to exercise all discretion afforded to it under the FMLA and federal regulations. This policy shall not expand eligibility for leave beyond what is required by federal law. To the extent that this policy fails to state any limitations or requirements set forth in the FMLA and federal regulations, such limitations or requirements shall apply. If greater rights are provided under any collective bargaining agreement, such rights shall apply.

**REFERENCES:**

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654  
Title I of the FMLA, as amended by the National Defense Authorization Act  
Code of Federal Regulations, Title 29, Part 825

[OAG 17-022](#)

[KRS 156.026](#)

**RELATED POLICIES:**

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

Adopted/Amended: 1/10/2017

Order #: 2017-012



**- CERTIFIED PERSONNEL -****Child Rearing/Adoption Leave****PAID SICK LEAVE**

Childbirth and recovery therefrom, which prevents the employee from performing assigned duties, shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232. An employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children.

An illness of the newborn shall entitle the employee to sick leave benefits as provided in Board Policy 03.1232.

Additional sick leave days may be used when the need is verified by a physician's statement.

**UNPAID CHILD REARING/ADOPTION LEAVE**

An employee of the District may be granted upon written request an unpaid leave of absence for the purpose of fulfilling adoption requirements or for rearing the employee's pre-school child(ren).

A single child rearing/adoption leave may be granted for a period of no less than thirty (30) days and no more than two (2) consecutive school years or a major portion thereof. Part-time, initial probationary, temporary, seasonal and substitute employees and student workers are not eligible for child rearing/adoption leave, except as provided by federal law [and the Kentucky Pregnant Workers Act \(SB 18 2019 RS\) as codified in KRS 344.030 to 344.110](#).

Employees on child rearing/adoption leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

Employees taking a child rearing/adoption leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or receipt of the child.

**REQUEST FOR MEDICAL INFORMATION**

Per [KRS 161.770](#), the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

**Child Rearing/Adoption Leave**

**REFERENCES:**

[KRS 161.155; KRS 161.770](#)  
[KRS 344.030 to 344.110](#)

[OAG 80-151; OAG 84-43; OAG 86-66](#)  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.123; 03.1232; 03.12322

Adopted/Amended: 8/6/2019  
Order #: 2019-840

**- CLASSIFIED PERSONNEL -****Child Rearing/Adoption Leave****PAID SICK LEAVE**

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Employees on child rearing/adoption leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

Employees taking a child rearing/adoption leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to up to twelve (12) workweeks of unpaid leave to care for the employee's child after birth or placement of a child with the employee for adoption or foster care. Leave to care for an employee's healthy newborn baby or minor child who is adopted or accepted for foster care must be taken within twelve (12) months of the birth or placement of the child.

**REFERENCE:**

Family & Medical Leave Act of 1993  
KRS 344.030 to 344.110

**RELATED POLICIES:**

03.223  
03.2232  
03.22322

Adopted/Amended: 11/25/2013  
Order #: 2013-191



**- CLASSIFIED PERSONNEL -****Personnel Records**

One (1) master personnel file, documenting employment history and including information maintained in electronic format, shall be maintained for each employee. This file shall be maintained in the Central Office and shall be under the custody of the Superintendent or the Superintendent's designee. This file may be inspected by the employee.<sup>1</sup> The Superintendent shall develop procedures to ensure the security of the files.<sup>2</sup>

The District shall grant requests from the employee for copies of the contents of his/her personnel file, for which a reasonable charge may be established. ~~The employee shall be notified when any material is added to the personnel file.~~ All material placed in the file shall be job-related.

The employee shall have the right to furnish a written response to any material filed, and that document shall be reviewed by the appropriate administrator and entered into the employee's record. The employee shall have the right to request an amendment to records maintained by the district, subject to procedures established by the Superintendent.

The Principal/supervisor may maintain an administrative folder, kept at the principal/supervisor's location, for each person under his/her supervision. These folders may contain:

1. Items used as reference and not forwarded to the master personnel file in the Central Office,
2. The employee's evaluation and other school-related correspondence to or from the employee, and
3. Other informational items that may or may not be maintained in the Central Office master personnel file.

**PUBLIC INSPECTION**

Those portions of personnel records containing material of a personal nature, the disclosure of which would constitute an invasion of privacy, or portions otherwise exempt from disclosure by law, are not open for public inspection.<sup>3</sup>

**MEDICAL INFORMATION**

Medical information shall be maintained separately from an employee's personnel file.

District acquisition and disclosure of applicant and employee genetic information shall comply with applicable legal requirements.<sup>4</sup>



**Personnel Records**

**REFERENCES:**

<sup>1</sup>[KRS 61.884](#)

<sup>2</sup>[KRS 61.876](#)

<sup>3</sup>[KRS 61.878](#)

<sup>4</sup>Genetic Information Nondiscrimination Act of 2008

[KRS 61.870](#); [KRS 61.872](#); [KRS 61.874](#); [KRS 160.705](#); [KRS 161.151](#)  
[704 KAR 003:370](#)

[OAG 77-394](#); [OAG 85-109](#); [OAG 86-15](#); [OAG 89-90](#)  
[OAG 91-161](#); [OAG 91-176](#)

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act; (P.L. 101-336), 42 U.S.C. 12112

**RELATED POLICIES:**

01.6

03.211

10.11

Adopted/Amended: 11/25/2013

Order #: 2013-191

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~~The employee shall be notified when any material is added to the personnel file.~~ All material placed in the file shall be job-related.

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[KRS 61.870](#); [KRS 61.872](#); [KRS 61.874](#); [KRS 160.705](#); [KRS 161.151](#)  
[704 KAR 003:370](#)

[OAG 77-394](#); [OAG 85-109](#); [OAG 86-15](#); [OAG 89-90](#); [OAG 91-161](#); [OAG 91-176](#)

Kentucky Education Technology System (KETS)

Records Retention Schedule, Public School District

Americans with Disabilities Act; (P.L. 101-336), 42 U.S.C. 12112

**RELATED POLICIES:**

01.6

03.111

10.11

Adopted/Amended: 11/25/2013

Order #: 2013-191

**- CLASSIFIED PERSONNEL -****Medical Leave**

This policy shall be applied in a manner consistent with policy 03.212 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

**UNPAID LEAVE**

Unpaid medical leave may be granted by the Board, upon written request, for the remainder of the school year when an employee has been advised by a physician that, for medical reasons, the employee will not be able to work. The written request shall include the "Certification of Health Care Provider" form completed by the attending physician.

A medical leave of absence may be granted for a period of not more than two (2) consecutive years. At the end of the second year, if the employee is unable to return to work, he/she may request renewal. Such renewal is subject to approval by the Board upon recommendation of the Superintendent.

An employee who qualifies for workers compensation payment while on medical leave directly resulting from an accident sustained in the course of fulfilling job responsibilities may receive service credit for the purpose of salary step placement.

~~Initial probationary, p~~Part-time classified, temporary, seasonal, ~~and~~ substitute employees and student workers shall not be eligible for medical leave except for those qualifying for workers compensation payments directly resulting from accidents sustained in the course of fulfilling job responsibilities.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, leave shall be granted in accordance with Board Policy 03.22322.

**VERIFICATION**

The Superintendent may require the employee to secure a licensed physician's verification of disability.

**NOTIFICATION OF RETURN**

Employees on medical leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

**PLACEMENT UPON RETURN**

Employees taking medical leave will, on return, be entitled to a comparable position for which they are qualified. Placement in the same position or the same building cannot be guaranteed. Placement upon return shall be determined by the applicable collective bargaining agreement.



**Medical Leave**

**INVOLUNTARY MEDICAL LEAVE**

When, on advice of the Superintendent, there is evidence that an employee is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

**REFERENCES:**

Consolidated Omnibus Budget Reconciliation Act  
Family & Medical Leave Act of 1993  
Americans with Disabilities Act

**RELATED POLICIES:**

03.211  
03.212  
03.223  
03.22322

Adopted/Amended: 11/25/2013  
Order #: 2013-191

**- CERTIFIED PERSONNEL -****Medical Leave**

This policy shall be applied in a manner consistent with policy 03.113 and the Americans with Disabilities Act (ADA), when those provisions are applicable.

**UNPAID LEAVE**

Unpaid medical leave may be granted by the Board, upon written request when an employee has been advised by a physician that, for medical reasons, the employee will not be able to work. The written request shall include the "Certification of Health Care Provider" form completed by the attending physician.

A medical leave of absence may be granted for a period of not more than two (2) consecutive years. At the end of the second year, if the employee is unable to return to work, he/she may request renewal. Such renewal is subject to approval by the Board upon recommendation of the Superintendent.

An employee who qualifies for workers compensation payment while on medical leave directly resulting from an accident sustained in the course of fulfilling job responsibilities may receive service credit for the purpose of salary step placement.

**Initial probationary**, **T**emporary, seasonal, and substitute employees ~~and student workers~~ shall not be eligible for medical leave except for those qualifying for workers compensation payments directly resulting from accidents sustained in the course of fulfilling job responsibilities.

**FMLA**

In compliance with the Family and Medical Leave Act of 1993, medical leave shall be granted in accordance with Board Policy 03.12322.

**NOTIFICATION OF RETURN**

Employees on medical disability leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.123. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.123 cannot be guaranteed employment for the following school year.

**VERIFICATION**

The Superintendent may require the employee to secure a licensed physician's verification of disability.

**PLACEMENT UPON RETURN**

Employees taking medical leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed if the leave exceeds ninety (90) days or if the position has been eliminated.

**Medical Leave****INVOLUNTARY MEDICAL LEAVE**

When, in the opinion of the Board, there is evidence that a teacher or the Superintendent is no longer able to perform satisfactorily the assigned duties, the Board may require the employee to provide evidence of ability to perform the essential functions of the position in the form of an examination and report by a physician of the Board's choosing. The Board shall bear the cost of this examination.

The Board may suspend the employee temporarily pending the physician's examination and may grant an involuntary leave of absence and renewals thereof following the physician's examination.

The employee shall have the right to a hearing on such involuntary leave and its renewal or extension in accordance with the provisions for hearing and appeal in [KRS 161.790](#).<sup>1</sup>

**RETIREMENT DISABILITY**

Retirement disability shall be handled in accordance with [KRS 161.662](#).<sup>2</sup>

**REFERENCES:**

<sup>1</sup>[KRS 161.790](#); [OAG 65-560](#), [KRS 161.770](#)

<sup>2</sup>[KRS 161.662](#), [OAG 80-151](#)

[OAG 84-43](#)

Consolidated Omnibus Budget Reconciliation Act  
Family & Medical Leave Act of 1993  
Americans with Disabilities Act

**RELATED POLICIES:**

03.111  
03.113  
03.123  
03.12322  
03.173

Adopted/Amended: 11/25/2013  
Order #: 2013-191

**- CLASSIFIED PERSONNEL -****Educational/Professional Leave****EDUCATIONAL/PROFESSIONAL LEAVE**

Long-term educational/professional leave may be granted to employees of the District for educational or professional purposes for a period of not more than two (2) consecutive years. The employee may request a renewal. Such a renewal is subject to approval by the Board upon recommendation of the Superintendent.

When the leave is requested, the intended educational and/or professional purpose of the leave shall be included with the request. Evidence of such educational/professional work must be presented upon return from leave.

Initial probationary, part-time classified, temporary, seasonal and substitute employees and student workers are not eligible for staff development leave.

Leave may be granted for full-time attendance at universities or other training or professional activities when those activities are related to the purpose of obtaining training to enhance the skills required in performing an the employee's job or to other jobs an employee might hold in the school system. Leave will not be granted for part-time educational activities.~~obtain training in anticipation of a different position with the school system.~~

**STAFF VISITATIONS AND CONFERENCES**

District employees may apply for and be granted a leave of absence by the Superintendent/designee for the purpose of attending professional meetings, conferences and workshops outside the District which are adjudged to be in the interest of the District. Administrative procedures may cover assignment, payment of expenses, waiving of salary deductions and other relevant matters.

Payment of allowable expenses of individuals attending such meetings and the cost of necessary substitutes may be made upon approval of the appropriate authority.

**LIMITATIONS**

Initial probationary, part-time classified, temporary, seasonal and substitute employees and student workers are not eligible for educational/professional leave unless approved by the Superintendent/designee.

**NOTIFICATION OF RETURN**

Employees on educational/professional leave shall notify the Superintendent/designee in writing of their intent to return to the school system on or before the date prescribed in Policy 03.223. Employees who fail to notify the Superintendent/designee of their return by the date prescribed in Policy 03.223 cannot be guaranteed employment for the following school year.

**PLACEMENT UPON RETURN**

Employees taking an educational/professional leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**REFERENCE:**

[OAG 84-43](#)

Adopted/Amended: 11/25/2013

Order #: 2013-191



**-CERTIFIED PERSONNEL-****Contract****CONTRACT**

The District shall enter into written contracts, either limited or continuing, for the employment of certified personnel as required by law.<sup>1</sup> ~~The contract shall designate the number of days of employment which shall be worked pursuant to a working calendar approved by the Superintendent. The duties to be performed are to commence on the first day required by the school calendar adopted or amended by the District and approved by the Kentucky Department of Education for the school year, for the number of days required by such calendar, to end no later than June 30 of the school year in such school or schools.~~ Contracts for certified personnel shall not exceed two hundred sixty-two (262) days per fiscal year.<sup>2</sup>

**VOCATIONAL**

Vocational agriculture teachers shall be allotted sufficient days of extended employment to provide for twelve (12) months instructional salary per year, as required by law.<sup>3</sup>

**TENURE STATUS**

Certified staff shall gain tenure as teachers in accordance with the provisions of [KRS 161.740](#), and tenure as administrators in accordance with the provisions of [KRS 161.765](#). Continuing service contracts, issuance of four (4) limited contracts in a six (6) year period, shall remain in effect until the teacher resigns or retires.

A teacher who begins employment in a District-level administrative position in the District that has administrative level-duties responsibilities that are not limited to one (1) school in the District shall not be issued a written continuing contract. However, if a teacher had a written continuing contract prior to becoming employed in a District-level administrative position and transfers to another position in the District that is not a District-level administrative position, then the teacher shall revert to continuing service contract status. If the teacher becomes employed in another District, the teacher shall revert to continuing service contract status subject to the provisions of [KRS 161.740](#) regarding probation and the time period for transferring a continuing service contract to another school District.<sup>4</sup>

A teacher who had a written continuing contract prior to becoming employed in a District-level administrative position and whose contract as a District-level administrator is not renewed, shall revert to continuing service contract status and shall be assigned an appropriate position in accordance with District policies and procedures.

**REFERENCES:**

<sup>1</sup>[KRS 161.730](#)

<sup>2</sup>[KRS 161.220](#)

<sup>3</sup>[KRS 157.360](#)

<sup>4</sup>[KRS 161.740](#)

[KRS 161.765](#)

[016 KAR 004:040](#)

**RELATED POLICY:**

03.121

Adopted/Amended: 8/6/2019  
Order #: 2019-840

**- CERTIFIED PERSONNEL -****Hours of Duty**

The District requires its employees to attend work daily as required by the employee's working calendar unless the employee is on an approved leave. All employees shall be apprised of this requirement and a plan for improving attendance shall be developed, as needed.

**REGULAR HOURS**

Certified employees shall be prompt in attendance and shall remain on duty as specified by school policy or their immediate supervisor.

Certified employees shall adhere to time schedules for duty hours applicable to their job classification, and to appropriate procedures for accounting for time and attendance as set by the Superintendent.

No certified employee shall leave his/her job assignment during paid duty hours without the express approval of his/her immediate supervisor.

Certified employees may be required to perform additional duties as directed by school policy or assigned by their immediate supervisor which fit reasonably with job responsibilities or on a temporary basis.

Except as otherwise specified in a collective bargain agreement, exempt certified employees are paid on a daily rate for work completed at the designated work location regardless of the number of hours worked.

**PARENT CONFERENCES**

Certified employees shall be available for conferences requested by parents. Reports to parents shall include provision for a parent or teacher request for a conference. Such conferences shall be scheduled at a mutually agreeable time to the extent possible. The Board shall endeavor to provide for parent-teacher conferences within the school calendar.

**REFERENCES:**

[KRS 160.290 \(2\)](#)

[KRS 158.060](#)

[OAG 77-718](#)

[OAG 65-179](#)

[OAG 55-37, 675](#)

**RELATED POLICY:**

03.121

Adopted/Amended: 11/25/2013

Order #: 2013-191

**- CLASSIFIED PERSONNEL -****Hours of Duty**

The District requires its employees to attend work daily as required by the employee's working calendar unless the employee is on an approved leave. All employees shall be apprised of this requirement and a plan for improving staff attendance shall be developed, as needed.

**REGULAR HOURS**

Classified ~~E~~employees shall adhere to time schedules for duty hours applicable to their job classification, and to appropriate procedures for accounting for time and attendance as set by the Superintendent. Attendance data shall be considered in the promotion of employees.

No classified employee shall leave his/her job assignment during paid duty hours without express approval of his/her immediate supervisor.

Classified employees may be required to perform additional duties as directed by school policy or assigned by their immediate supervisor which fit reasonably with job responsibilities or on a temporary basis.

Except as otherwise specified in a collective bargain agreement, exempt classified employees are paid on a daily rate for work completed at the designated work location regardless of the number of hours worked.

Adopted/Amended: 11/25/2013

Order #: 2013-191