

- 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, 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, 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](#).¹

RETIREMENT DISABILITY

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

REFERENCES:

¹[KRS 161.790](#); [OAG 65-560](#), [KRS 161.770](#)

²[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