

Descriptor Term: Procedures for Employee Absences	Descriptor No: AD PER1	Effective Date: July 2013
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1 This administrative directive provides general guidance to employees in relation to requests for
2 leave or absences. Changes in Board policy, federal law, state law, or rules or policies will take
3 precedence over information provided in this directive. The Human Resources Department is
4 responsible for the administration of this directive. The contact person for the Human Resources
5 Department for this directive is:

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13 **General Information**

14 Murfreesboro City Schools requires regular and punctual attendance from all employees.
15 Employees who are going to be absent for a full or partial workday, as defined by Board Policy
16 5.602, or late for work must notify their direct supervisor as far in advance as possible. Absences
17 must be recorded in Skyward if the absence will be longer than one (1) hour. Employees who
18 must miss work because of emergencies or other unexpected circumstances must notify their
19 supervisor as soon as possible.

20 Absences will be considered excused if the employee requested the time off in accordance
21 with the Board policy aligned with the leave, received the required approval for the absence, and
22 has sufficient accrued, but unused, time to cover the absence. Absences also will be considered
23 excused if the employee requested the time off in accordance with the Board's policy permitting
24 a leave of absence, received the required approval for the leave, in compliance with the Board
25 policy (for example, an employee's absences while they are taking approved leave under Board
26 policy on Jury Duty Leave generally will be considered excused).

27 **Absence Authorization for Short-Term Leaves of Absence**

28 It is the responsibility of the employee to submit a leave request for every day of absence. It
29 is requested that employees give notice of leave requests to their supervisors as soon as
30 practicable. Once a leave request is submitted and approved, the employee will receive
31 notification of the approval. Documentation may be required depending on the type of leave
32 requested.

33 **Bereavement Leave**

34 Employees shall be granted bereavement leave up to three (3) days per occurrence in the
35 event of death of an immediate family member. Immediate family member is defined in Board

36 Policy 5.302. Employees shall be granted bereavement leave up to one (1) day per event in the
37 event of death of a cousin, aunt, uncle, niece, or nephew. If requested, employees shall be
38 granted an additional one (1) day of bereavement leave if the bereavement event is more than
39 fifty (50) miles from the employee's home and the employee provides documentation of such.
40 Documentation will be required to verify the bereavement event or familial relationship in any
41 bereavement claim, and documentation must be submitted within five (5) working days of
42 returning to work.

43 **Emergency Leave**

44 Pursuant to Board Policy 5.301, an immediate supervisor may grant an employee emergency
45 leave during the workday for a sudden, unexpected occurrence demanding immediate attention.
46 Emergency leave shall be taken as personal leave, sick leave, or leave without pay. The
47 employee is responsible for confirming emergency leave taken through Skyward the day after
48 returning to work.

49 **Legal Leave**

50 Pursuant to Board Policy 5.301, if an employee appears in court as a plaintiff, defendant,
51 witness or voluntarily appears on behalf of family or friends, or as an expert witness in a case not
52 involving the school district, the employee will be required to use personal leave or leave without
53 pay. Leave should be requested at least five (5) days prior to the requested leave of absence.

54 If an employee is summoned for jury duty, they must present written evidence that they have
55 been summoned to serve on a jury to their supervisor and the Human Resources Department.
56 Pursuant to Board Policy 5.301 and TCA 22-4-106, the employee will be entitled to the usual
57 compensation.

58 In cases where an employee is subpoenaed in relation to a student or requested to appear on
59 behalf of the school district, the absence will be considered temporary duty leave and not
60 counted against any of the employee's accumulated leave credits. The employee is responsible
61 for providing the summons or subpoena to their supervisor and the Human Resources
62 Department.

63 **Military Leave**

64 Pursuant to Board Policy 5.306, employees who are members of any reserve component of
65 the Armed Forces of the United States shall be granted leave of absence for all periods of
66 military service during which they are engaged in the performance of duty or training in the
67 service of the state or the United States. Reservists who anticipate military duty during the school
68 year must give written notice to the Director of Schools, within thirty (30) days of the beginning
69 of the school year, of the dates of the anticipated duty. While performing such duty or training,
70 the employee shall be paid his/her regular salary up to a maximum of twenty (20) working days
71 in any one (1) calendar year, plus such additional days as may result from any call to active state
72 duty.

73 The employee must provide a copy of the order for duty, including the dates of departure and
74 return, to the Human Resources Department prior to or simultaneously with the leave request.

75 **Personal Leave**

76 Eligible employees shall accrue personal leave pursuant to Board Policy 5.303. Personal
77 leave may be taken at the discretion of the employee but requires at least one (1) days' notice in
78 writing to the employee's supervisor unless exigent circumstances apply. No documentation is
79 required to be submitted for personal leave, but the employee is responsible for inputting the
80 leave into Skyward.

81 Pursuant to Board Policy 5.303, Principal/supervisor approval shall be required for the
82 following reasons: (1) more than 10% of teachers in any given school request use of a personal
83 day on the same day; (2) the personal day is requested on a student examination period day; (3)
84 the day is immediately preceding or following a holiday or vacation period; (4) personal leave is
85 requested for days scheduled for professional development or in-service training according to the
86 school calendar adopted by the Board prior to the start of the school year; and/or (5) personal
87 leave is requested for days scheduled for parent-teacher conferences according to the school
88 calendar adopted by the Board prior to the start of the school year.

89 **Professional or Administrative Leave**

90 Professional leave is a short, temporary absence for the purpose of attending professional
91 development, workshops, or other meetings relating to school business or serving on boards and
92 commissions which meet during daytime hours when appointed by a mayor, city council, county
93 executive, or county commission. In addition, certified employees shall be granted leave to serve
94 on any board or commission of the State when the appointment is made by the Governor or
95 General Assembly.

96 Certified staff members may request professional leave by submitting the request to the
97 school principal at least five (5) days prior to the requested leave of absence. Professional day
98 requests in excess of one (1) day per school year must be approved by the Assistant
99 Superintendent of Curriculum and Instruction.

100 **Sick Leave**

101 Full-time employees accumulate sick leave pursuant to Board Policy 5.302. Employees may
102 use paid sick leave by making an oral or written request to their supervisor prior to the absence.
103 Principals and supervisors have discretion in setting specific methods for notification. Advance
104 notice of the intent to take sick leave is requested when possible. The employee is responsible for
105 inputting the absence into the absence management system as soon as possible following the
106 request.

107 The Director of Schools or designee may require a physician's statement for any sick leave
108 claim. In instances where the employee is absent for five (5) or more consecutive days, the
109 employee must submit a physician's statement to their supervisor and the Human Resources
110 Department. Falsified medical documentation may be grounds for disciplinary action. If there is
111 a pattern of intermittent sick leave requested, the employee will be referred to the Human
112 Resources Department for additional consultation on extended leave options and ADA processes.
113 Pursuant to Board Policy 5.302, employees may also use one (1) sick day for a religious holiday
114 not included on the district calendar, as long as the employee provides five (5) days' advance
115 notice to their supervisor.

116 Accumulated sick leave may also be used for bereavement leave in compliance with Board
117 Policy 5.302. Documentation will be required to verify the bereavement event or familial
118 relationship in any bereavement claim, and documentation must be submitted within five (5)
119 working days of returning to work.

120 **Vacation Leave**

121 Vacation leave is available only to full-time employees who work 12-months and accrued
122 pursuant to Board Policy 5.310. Vacation leave must be requested at least five (5) days in
123 advance unless exigent circumstances apply.

124 **Absenteeism for Voting**

125 Any person entitled to vote in an election held in this State may be granted paid leave on the
126 day of the election for a reasonable period of time, not to exceed three (3) hours, to vote during
127 the time polls are open in the county where the employee resides. Requests for such leave shall
128 be made to the supervisor before 12:00 p.m. on the day before the election. If the work schedule

129 of an employee begins three (3) or more hours after the opening of the polls or ends three (3) or
130 more hours before the closing of polls of the county where the employee is a resident, the
131 employee may not take time off under this section. This allowance applies to all elections for
132 public office, for candidacy for public office, and on questions submitted to the people.

133 **Long-Term Leaves of Absence**

134 Murfreesboro City Schools provides a variety of long-term leave options to its employees
135 pursuant to applicable federal and State law and Board policy. Changes in Board policy, federal
136 law, State law, or rules or policies will take precedence over information provided below.

137 **Family and Medical Leave**

138 Family and medical leave will be provided to eligible employees pursuant to the Family and
139 Medical Leave Act of 1993 (FMLA) and Board Policy 5.305. If an employee's need for FMLA
140 leave is foreseeable, they must provide the Human Resources Department with at least thirty (30)
141 days' prior written notice. If this is not possible, the employee must at least provide notice as
142 soon as practicable. Failure to provide notice may be grounds for delaying FMLA-protected
143 leave, depending on the nature of the leave and specific circumstances.

144 Additionally, if the employee is planning a medical treatment or a series of treatments or the
145 employee is taking military caregiver leave, the employee must consult with the Human
146 Resources Department regarding the dates of this treatment to work out a schedule that best suits
147 the needs of the employee or the covered military member, if applicable, and Murfreesboro City
148 Schools.

149 FMLA leave is unpaid. The employee may substitute any accrued and unused vacation, sick
150 or personal leave for FMLA leave. Any employee who goes on maternity/paternity leave shall be
151 allowed to use all or a portion of the employee's accumulated sick or annual leave for
152 maternity/paternity leave purposes. In order to be eligible to use sick leave, a written request of
153 the employee accompanied by a statement from the employee's physician verifying pregnancy
154 shall be submitted. Upon verification by a written statement from an adoption agency or other
155 entity handling an adoption, an employee may also be allowed to use accumulated leave for
156 adoption of a child. If both adoptive parents are employees employed by the district, however,
157 only one (1) parent is entitled to use such accumulated leave. In no case can the substitution of
158 paid leave time for unpaid leave time result in the employee's receipt of more than one hundred
159 percent (100%) of the employee's salary. During approved FMLA leave, Murfreesboro City
160 Schools will maintain the employee's health benefits.

161 If an employee takes FMLA leave because of their own chronic health condition, the
162 employee must contact the Human Resources Department every thirty (30) days of FMLA leave
163 regarding the status of the condition and their intention to return to work. In addition, the
164 employee must give notice as soon as practicable if the dates of leave change, are extended, or
165 initially were unknown. The employee is responsible for providing appropriate medical
166 certification. Failure to provide requested medical certification in a timely manner may result in
167 denial of FMLA-covered leave until it is provided. The employee will be required to provide
168 medical certification that they are fit to resume work. If the employee is unable to return to work
169 following the exhaustion of their FMLA leave, the employee will be referred to the Human
170 Resources Department to discuss potential accommodations under the Americans with
171 Disabilities Act.

172 The Human Resources Department will make FMLA forms available to those employees
173 who indicate a need for FMLA. FMLA leave must be requested using FMLA request forms.

174 **Additional Parental Leave under State Law**

175 In addition to FMLA leave, Tennessee grants unpaid leave to employees for a period not
176 to exceed four (4) months for the adoption, pregnancy, childbirth, and nursing of a newborn
177 infant. Leave shall run concurrently with leave provided under FMLA. If all applicable paid
178 leave has been exhausted, the remainder of the four (4) month parental leave may be taken in an

179 unpaid leave status. During the additional fourth month of unpaid parental leave (after
180 exhaustion of FMLA leave), the employee must pay any health care contributions to retain health
181 plan coverage.

182 Tennessee law also provides paid parental leave for eligible employees for a period of six
183 (6) work weeks following a birth, stillbirth, or adoption of a newly placed minor child. An
184 eligible employee taking leave under this law will not be required to utilize any other type of
185 accrued leave during this period. Employees must provide notice to the Human Resources
186 Department at least thirty (30) days prior to the intended use of the leave on a specific form
187 provided by the Human Resources Department for paid parental leave. If the employee learns
188 about the need for leave less than thirty (30) days in advance, the employee shall give notice as
189 soon as reasonably possible in order to be eligible for the paid leave. This paid leave does not
190 need to be taken consecutively; however, the paid leave shall be used within twelve (12) months
191 of the qualifying event and leave taken intermittently must be used pursuant to a schedule
192 provided to the employee's supervisor and the Human Resources Department. Intermittent leave
193 may only be taken on a partial or full day basis. Paid parental leave will run concurrently with
194 FMLA and Tennessee parental leave.

195 **Extended Unpaid Leave for Certified Employees**

196 Board Policy 5.304 grants long-term leave of absences for certified employees that have been
197 employed with Murfreesboro City Schools for a period of two (2) or more years, for the
198 following: military service, legislative service, maternity, adoption, recuperation of health, or
199 visitation of a spouse, child, or parent deployed for military duty out of the country on
200 rest/recuperation leave. Personnel may also be granted leave for educational improvements or
201 other sufficient reasons as determined by the Director of Schools.

202 All leaves shall be requested in writing at least thirty (30) days in advance on forms provided
203 by the Human Resources Department. The thirty (30) day notice may be waived or reduced by
204 the Director of Schools upon submission of a certified statement by a medical provider. Positions
205 vacated for less than twelve (12) months by teachers on leave shall be filled with an interim
206 teacher while the teacher is on leave. If the teacher returns from leave within twelve (12) months,
207 the interim teacher shall relinquish the position. If the leave exceeds twelve (12) months, the
208 teacher shall be placed in the same or a comparable position upon return. All leave granted
209 pursuant to Board Policy 5.304 shall be without pay except as may be covered by accrued leave
210 in the case of maternity and recuperative leaves. Employees shall have the opportunity to
211 continue participation, at their own expense, in group insurance plans subject to restrictions of
212 the insuring carrier.

213 **Long-Term Leave for Employees Ineligible for FMLA**

214 If an employee does not qualify for FMLA leave, the employee will be allowed to use no
215 more than ten (10) days of accrued leave due to the same qualifying events listed in Board Policy
216 5.305. Supporting documentation must be submitted to the Human Resources Department. An
217 additional ten (10) days of unpaid time will be afforded to the employee following the
218 exhaustion of accrued paid leave. If the employee is unable to return to work following the
219 exhaustion of their accrued time, the employee will be referred to the Human Resources
220 Department to discuss potential accommodations under the Americans with Disabilities Act.

221 **Unexcused Absences**

222 Absence of an employee after a leave has been requested and denied prior to the occurrence
223 of the leave should always be considered an unexcused absence and may be grounds disciplinary
224 action. Absences not approved in advance may be considered an unexcused absence as long as
225 the employee has been informed in writing, of the consequences of not obtaining approval in
226 advance of an absence on a prior occasion. Murfreesboro City Schools reserves the right to

227 discipline employees for unexcused absences. Discipline may include counseling, oral or written
228 warnings, suspension, or termination of employment.

229 Pursuant to Board Policy 5.602, three (3) consecutive unexcused absences without approval
230 will be deemed to have voluntarily abandoned their job and the employee's employment will be
231 terminated, unless there are documented exigent circumstances. The employee's supervisor must
232 notify the Human Resources Department if an employee accumulates two (2) consecutive
233 unexcused absences.

234 Sick leave is not considered an unexcused absence if the employee presents a valid statement
235 from a medical provider within a reasonable amount of time after it is either requested by a
236 supervisor or the employee returns to work.

Legal References

TCA 4-21-408

TCA 8-50-802

TCA 8-50-813

TCA 22-4-106

TCA 49-5-205

TCA 49-5-702

TCA 49-5-710, *et seq.*

Family and Medical Leave Act of 1993, 29 USCA § 2601,
2611 – 2619

Fair Labor Standards Act, 29 CFR Part 541