

**I. LEAVE REQUEST PROCESS**

**A. Discussion with Supervisor**

An employee should discuss the need to take leave with his or her immediate supervisor as soon as the employee identifies a potential need for leave. The employee is also encouraged to talk to the payroll clerk at their school about his or her available leave balance and how it may be applied to future contemplated leave. Employees should contact the human resources department for help with leave policies and request forms.

**B. Submission of Leave Request Form**

To take leave, an employee must submit a Leave Request Form to the human resources department. The timeline for submitting a Leave Request Form and any other required documentation depends on the type of leave requested. Visit the Haywood County Schools human resource department Leave Page at <http://www.haywood.k12.nc.us/hr/leave-of-absence-2/>

**1. Sick Leave**

A Leave Request Form must be submitted in advance (at least 10 days whenever possible) for sick leave that is foreseeable, such as leave taken for a planned surgery or medical appointment or for childbirth.

If sick leave due to an illness or injury cannot be requested in advance, the employee must notify his or her supervisor of the need to take leave as soon as practicable, following any instructions for notification established by the supervisor. The employee shall then submit the Leave Request Form to the payroll clerk at their school as soon as practicable. If the employee is unable to submit the Leave Request Form in a timely manner, the employee's supervisor shall fill out and submit the form for the employee. *Requests for FMLA or extended leave should be submitted to the human resource department.*

The human resources department may also require the employee to submit a statement from a medical doctor or other acceptable proof that the employee was unable to work due to personal illness, a medical appointment, illness, or death in the family, or adoption.

**2. Family and Medical Leave**

*This section is based on FMLA legal standards.*

The employee must submit a Leave Request Form at least 30 days (or as soon as otherwise practicable) before leave under the Family and Medical Leave Act (FMLA) is to begin if the leave is foreseeable based on an expected birth, placement of a child for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned medical treatment for a serious injury or illness of a covered servicemember.

The employee must submit a Leave Request Form as soon as reasonable and practicable for foreseeable FMLA leave due to a qualifying exigency, regardless of how far in advance such leave is foreseeable.

If the need for FMLA leave is unforeseeable, the employee must notify his or her supervisor of the need to take leave as soon as practicable, following any instructions for notification established by the supervisor. The employee shall then submit the Leave Request Form as soon as practicable. If the employee is unable to submit the Leave Request Form in a timely manner, the employee's supervisor shall fill out and submit the form for the employee.

If applicable, the employee will also be required to submit the Certification of Health Care Provider for Employee's Serious Health Condition, the Certification of Health Care Provider for Family Member's Serious Health Condition, the Certification of Qualifying Exigency for Military Family Leave, the Certification for Serious Injury or Illness of Current Servicemember – for Military Family Leave, or the Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. The certification may be provided at the time leave is requested, but in no case later than 15 days after receiving notice that the employee is eligible for FMLA leave, as provided in subsection I.C.1.b.

3. Military Leave

If an employee is going to be absent due to military obligations, the employee must provide advance notice, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable. The employee is encouraged to submit a Leave Request Form as far in advance as possible, preferably at least 30 days. If the employee is unable to submit the Leave Request Form in a timely manner, the employee's supervisor shall fill out and submit the form for the employee.

The employee should also submit a copy of the orders or other appropriate documentation of required military duty.

4. Other Types of Leave

An employee requesting any other type of leave, including personal leave, vacation leave, leave for observance of a bona fide religious holiday, community responsibility leave, leave for jury duty or court attendance, elected officials leave, parental involvement in schools leave, parental leave without pay, or leave utilizing compensatory time should submit a Leave Request Form to the payroll clerk at the employee's school as far in advance as possible.

Leave for observance of a bona fide religious holiday requires submission at least 48 hours in advance.

Requests for personal leave must be made at least five days in advance in order to be granted automatically (subject to the availability of a substitute teacher) though requests made with less notice may be granted with the approval of the supervising principal and the human resources department.

**C. Review and Approval of Leave Request**

1. Review by Human Resources Department and Employee's Supervisor

a. General Process for FMLA

The human resources department shall review each Leave Request Form and any accompanying documentation. If approved, the Leave Request Form will be forwarded to the employee's immediate supervisor.

b. Special Requirements for FLMA Leave

*This section is based on FMLA legal standards.*

Whether or not the employee specifically requests FMLA leave, the human resources department is responsible for asking any questions of the employee necessary for determining whether the leave is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The human resources department may require the employee to provide notice of the need and the reason for leave.

The human resources department shall provide all legally-required notices in writing to the employee within five days of receiving this information or otherwise learning that an employee's leave may be for an FMLA-qualifying reason, unless there is a justifiable delay. The required notices must indicate whether the employee is

eligible for FMLA leave. If the employee is not eligible for FMLA leave, the notice must provide a reason for the ineligibility. If the employee is eligible, the notice must explain the employee's rights and responsibilities under the FMLA and specify any requirement for the employee to furnish a certification form if the employee did not already submit the appropriate form with the Leave Request Form (see subsection I.B.2). The employee must submit any outstanding certification to the human resources department within 15 calendar days, unless it is not practicable to do so.

Once school officials in the human resources department have sufficient information to determine whether the leave is being taken for an FMLA-qualifying reason, they will notify the employee whether the leave will be designated as FMLA-protected. This notice will be provided within five days unless there is a justifiable delay. If the leave is FMLA-protected, the notice must state the amount of leave that will be counted against the employee's leave entitlement. The notice must also advise the employee if a fitness-for-duty certification to return to work is required, and, if so, whether the certification must address the employee's ability to perform the essential functions of the employee's job. A list of the employee's essential job functions must be included with the letter when certification of such performance is required.

If an employee submits an incomplete or insufficient certification form, the human resources department shall provide the employee with written notice of the additional information necessary to make the certification complete and sufficient. The employee must cure the deficiencies within seven calendar days, unless it is not practicable for the employee to do so.

2. Review by the Superintendent and Board

Most leave requests that have been reviewed by the human resources department and the employee's immediate supervisor do not require additional approval by the superintendent and/or board. However, the human resources department shall forward to the superintendent the following types of leave requests.

a. Parental Leave without Pay

The superintendent will review requests by employees to take a leave of absence without pay for up to one calendar year from the date of birth or adoption to care for a newborn child or a newly adopted child. The superintendent will consider whether, for the

purpose of educational continuity, the leave should be extended for the remainder of the school year when the leave would otherwise end in the latter half of the school year. If the superintendent determines that an extension is prudent, the superintendent will present the leave request, along with the superintendent's proposed beginning and end dates, to the board for approval at the next regular board meeting.

b. Leave for Professional Responsibilities or Professional Association Meetings

The superintendent will review requests by employees for certain professional leave authorized by the State Board of Education in section 6.2.2 of the *North Carolina Public Schools Benefits and Employment Policy Manual*.

c. Leave for Officers of Professional Organizations

The superintendent will review any request for leave to hold an elected office of a professional organization. If the superintendent approves the leave request, he or she will present it to the board for approval at the next regular board meeting.

d. Discretionary Leave of Absence without Pay

The superintendent will review any request for a leave of absence without pay that does not fall into another category of leave. The superintendent will determine whether to approve such leave and the beginning and end dates of the leave based on a consideration of the welfare of the students and the need for continuity of service. If the superintendent approves the leave request, he or she will present it to the board for approval at the next regular board meeting.

3. Notification of Decision

Once a leave request has been approved by the human resources department and employee's supervisor and, if applicable, the superintendent and board, the human resources department shall promptly notify the payroll department of the approved leave request and send written confirmation of the dates of the leave to the employee and employee's supervisor. If a leave request is denied, the human resources department shall give the employee prompt notification of the denial of leave and the reason for the denial.

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