



<b>Leave</b>	
Policy Number: 5.302	Monitoring Review: Annually
Effective/Revised Date: June 28, 2023	Signature:
Approved by: Lizzette Gonzalez Reynolds, Commissioner	

**PROFESSIONAL PERSONNEL**

Professional personnel shall earn one (1) day of sick leave for each month employed during the school year, and these days shall accumulate for an unlimited number of days.<sup>1</sup>

Sick leave shall be defined as: illness of a teacher from natural causes or accident, quarantine, or illness or death of a member of the immediate family of a teacher, including the teacher's wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law.<sup>2</sup>

A signed statement listing the cause of absence shall be provided by the employee on forms furnished by the Director of Schools, or charter management organization, and shall promptly be given to the immediate supervisor in support of all claims for sick leave pay. A falsified statement shall be grounds for dismissal.

Documentation from a physician may be required in support of any claim for sick leave pay.

The principal shall notify the Director of Schools' or charter management organization's office at once if an employee is sick beyond the limit of his/her sick leave accumulation.

Permanent, cumulative sick leave records for each active professional employee shall be kept in the Director of Schools' or charter management organization's office.

A teacher, upon employment, may transfer his/her accumulated sick leave from another Tennessee school district, provided that the Director of Schools, or charter management organization, of the district or charter school in which the accumulated leave was held provides notarized verification.<sup>3</sup>

**SUPPORT PERSONNEL**

Support personnel shall earn one (1) day of sick leave for each month an employee is employed. At the termination of the employment of any employee, all unused sick leave accumulated by the employee shall be forfeited.

The immediate supervisor may require documentation from a physician stating the reason for absence.

**SICK LEAVE BANK** (if applicable)

The purpose of the sick leave bank is to provide sick leave to all employees<sup>4</sup> who have suffered an unplanned personal illness, injury, disability, or quarantine and whose personal sick leave is exhausted.

To form a sick leave bank, a minimum of twenty (20) employees from the school district shall petition the Board for permission to establish a sick leave bank.<sup>5</sup> Upon approval, sick leave bank trustees shall be appointed and shall operate as the governing body of the sick leave bank and shall enact rules and regulations consistent with state law.<sup>6</sup> Employees wishing to participate shall initially give a maximum of three (3) days of sick leave. These days are to be deducted from the employee's personal accumulation and donated to the sick leave bank. Donations of sick leave to the bank are nonrefundable and nontransferable.<sup>7</sup>

At any time the number of days in the sick leave bank is less than twenty (20), or one (1) per employee if there are more than twenty (20) members, or at any time deemed advisable, the trustees shall assess each member one (1) or more days of accumulated sick leave. If an employee has no accumulated sick leave at the time of assessment, the first earned days shall be donated as they are accrued by the employee.<sup>7</sup>

An employee who is a member of the sick leave bank may request an allotment of days (for the employee's personal illness or on account of an illness of his/her minor child) in the manner designated by the trustees. The need for these days shall be verified by a statement from a physician.<sup>8</sup>

By written notice to the trustees, an employee may withdraw from bank participation on June 30th of any year.<sup>9</sup> Membership withdrawal results in forfeiture of all days contributed. The sick leave bank shall be operated in accordance with state law.<sup>10</sup>

A teacher who is absent from assigned duties as a result of personal injury caused by physical assault or other violent criminal acts committed in the course of the teacher's employment duties shall receive his/her full salary and full benefits until the teacher is released by his/her physician to return to work or his/her physician determines the teacher is permanently unable to return to work. If the teacher receives workers' compensation or other similar benefits, the Board shall pay the difference between that amount and the teacher's full salary.<sup>11</sup>

A signed statement listing the cause of the absence shall be provided by the employee on forms furnished by the Director of Schools, or charter management organization, and shall promptly be given to the immediate supervisor in support of all claims. A certificate from the physician on forms furnished by the Director of Schools, or charter management organization, may also be required to verify the extent of the injury.<sup>12</sup>

## **FAMILY AND MEDICAL LEAVE ELIGIBILITY**

Anyone who has been employed for at least twelve (12) months by the school district and anyone who has at least 1,250 hours of service (hours used for leave, even FMLA leave, shall not be credited for service for purposes of FMLA eligibility<sup>1</sup>) during the previous twelve (12) month period shall be eligible to use FMLA leave.<sup>13</sup>

## GENERAL PRINCIPLES

An eligible employee shall be granted, upon request, up to twelve (12) weeks unpaid leave during a fixed calendar year for the following reasons:

1. The birth of a child;
2. The placement of a child with the employee for adoption or foster care;
3. A serious health condition of the employee that makes the employee unable to perform the essential functions of his/her job position;
4. The care of a spouse, child, or parent of the employee who has a serious health condition; and
5. Any qualifying circumstances arising out of the fact that a spouse, child, or parent of the employee is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

An employee may substitute accrued paid leave for unpaid time. Use of accrued paid leave shall run concurrently with and be counted toward the employee's total period of FMLA leave.

## PAID PARENTAL LEAVE

Under state law, an additional six (6) work weeks of paid leave is available to eligible employees after a birth, stillbirth, or adoption of a newly placed minor child. An eligible employee taking leave under this provision shall not be required to utilize any other type of accrued leave during this period. Eligible employees include teachers, principals, supervisors, or other individuals required by law to hold a valid license of qualification for employment who have been employed with a school district full time for at least twelve (12) consecutive months.

Employees shall provide notice to the school district thirty (30) days prior to the intended use of the leave. If the employee learns about the need for leave less than thirty (30) days in advance, the employee shall give notice as soon as reasonably possible in order to be eligible for the paid leave. This paid leave does not need to be taken consecutively; however, the paid leave shall be used within twelve (12) months of the qualifying event. The leave shall run concurrently with FMLA leave.<sup>14</sup>

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### Legal References

1. TCA 49-5-710(a)(1)
2. TRR/MS 0520-01-02-.04(2)
3. TCA 49-5-710(a)(5)
4. TCA 49-5-811
5. TCA 49-5-803
6. TCA 49-5-804; TCA 49-5-805
7. TCA 49-5-807
8. Public Acts of 2023, Chapter No. 151
9. TCA 49-5-808(j)
10. TCA 49-5-801 et seq.
11. TCA 49-5-714(a); Public Acts of 2023, Chapter No.343
12. TRR/MS 0520-01-02-.04(4)(b)
13. 29 USCA § 2601, 2611—2619
14. Public Acts of 2023, Chapter No. 399

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### Cross References

Workers' Compensation 3.602 Orientation and Probation 5.107 Short Term Leaves of Absence 5.300 Family and Medical Leave 5.305 Physical Assault Leave 5.307 Sick Leave 5.302 Long Term Leaves of Absence 5.304