

Shelby County Board of Education

4026

Issued Date: 08/26/10
Revised: 05/28/13, 07/01/13
08/25/15; 09/26/23

SICK LEAVE

I. PURPOSE

To allow eligible employees time off from work due to personal illness; illness, in the immediate family; or birth, adoption, or foster care placement of a child.

II. SCOPE

This policy applies to all full-time permanent employees of the Memphis Shelby County Schools unless otherwise covered by a Memorandum of Understanding (MOU) or employment contract.

III. DEFINITIONS

Short term sick leave – Nine (9) or less regularly scheduled workdays of continued absence due to personal illness; illness in the immediate family; or birth, adoption, or foster care placement of a child, or death in the immediate family.

Extended sick leave – Ten (10) or more workdays of continued absence due to personal illness; illness in the immediate family; or birth, adoption, or foster care placement of a child.

IV. POLICY STATEMENT

Memphis Shelby County Schools provides eligible employees sick leave from work due to personal illness; illness in the immediate family; birth, adoption, or foster care placement of a child; or death in the immediate family. Such leave may be paid or unpaid.

General Guidelines

A. Accrual

Memphis Shelby County Schools participates in a sick leave plan which provides one day of sick leave for each month employed including time worked under an extended contract up to a maximum of twelve (12) sick days per year. Sick leave shall accrue only when the employee is in a paid status.

B. Accumulation

Sick leave days may accumulate from year to year. There is no limit to the number of sick days which may be accumulated.

C. Usage

Sick leave will be paid for only those days regularly scheduled workdays. Accumulated sick leave can be used for the following purposes:

1. Illness or Injury

- a. Illness or injury of the employee which may be subject to written verification by a healthcare provider.
- b. Illness or injury of any employee's immediate family when the employee's presence is considered necessary, which may be subject to verification by a licensed physician. For the purpose of illness and injury an immediate family member shall include spouse, parents, children, grandparents, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law, or an adult with whom the employee shared a parent-child relationship during childhood (foster relationships, step-children, adopted children, and legal guardianships).

2. Birth, adoption, or foster care placement of a child

D. Medical Certification

Employees using sick leave may be required to provide medical certification as proof of an illness or injury at the discretion of the immediate supervisor and/or other appropriate district staff and in accordance with guidelines established by the Superintendent or his/her designee.

E. Separation from Employment

Accrued but unused sick days shall not be paid out upon separation from employment. At retirement, the unused accumulated sick leave may be used as retirement credit.

F. Extended Sick Leave

Employees may be granted up to a total of one (1) year of sick leave for an extended illness. Extended sick leave shall run concurrently with approved FMLA (see policy 4038 Family and Medical Leave) and leaves granted as a direct result of an accident suffered in the course of an employee's performance of duties with the District (see policy 4014 Accidents On the Job).

Exceptions

Exceptions to the one (1) year restriction may apply for leaves granted as a reasonable accommodation under the Americans with Disabilities Act (ADA) or other applicable state and/or federal laws.

Employees shall be required to submit appropriate medical documentation when requesting extended sick leave.

G. Administration

Sick leave is to be administered as outlined in Tennessee Code Annotated.

H. Abuse and Sanctions

Employees found to have abused/fraudulently used sick leave or who fail to abide by this policy and administrative rules and regulations may be subject to disciplinary measures up to and including termination from employment.

V. **RESPONSIBILITY**

A. It is the employee's responsibility to notify the supervisor of the request to use sick leave as far in advance as possible; to file a written request for extended sick leave; and to submit a healthcare provider's statement upon request or when required to verify their inability or ability to work, whichever is applicable.

B. The supervisor who signs the time sheet is responsible for ensuring that sick leave time taken by employees is accurately reported to the office responsible for time reporting.

C. The office responsible for human resources is responsible for interpreting this policy.

D. It is the responsibility of the Superintendent to ensure that this policy is followed.

Legal References:

1. T.C.A. 49-5-705
2. T.C.A. 49-5-702
3. T.C.A. 49-5-710
4. TCA 49-5-711
5. TCA 49-5-714
6. TCA 4-21-408

Cross References:

1. 4038 Family and Medical Leave
2. 4014 Accidents on the Job
3. 4025 Vacation/Personal Leave
4. 4027 Bereavement Leave

Issued Date: 08/25/15

**Revised: 04/28/2020;
09/26/23**

SICK LEAVE

A. Statutory Guidance

1. Tennessee Maternity Leave Law (T.C.A. 4-21-408) – All eligible employees who have been employed by the District for at least twelve (12) consecutive months may be granted sick leave for the adoption, pregnancy, childbirth and nursing of a newborn. Such leave shall not exceed four (4) months; and the District shall not be liable for failure to reinstate an employee at the end of the leave period if the employee’s job position is so unique that the District, after making reasonable efforts, is unable to temporarily fill the position. Leave under the Tennessee Maternity Leave Law is unpaid; however, at the discretion of the District paid leave (i.e., vacation and accrued sick days) may be substituted for unpaid leave taken under this policy.
2. Accumulation and Use of Sick Leave for Teachers (T.C.A. 49-5-710) (applies only to teachers as defined by law)
 - a. In accordance with T.C.A. 49-5-710, any teacher may use sick and annual leave for maternity or paternity leave for a period not to exceed the teacher's accumulated sick and annual leave balance, or twelve (12) weeks, whichever is less. To be eligible to use sick leave as maternity or paternity leave, the teacher must submit a written request that includes a statement from the attending physician indicating the expected date of confinement, no later than the end of the fifth month of pregnancy.
 - b. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers, only one parent may request sick leave as provided under this policy (see policy 4038 Family and Medical Leave for additional available leave). Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted. A physician's statement may be required by the Superintendent or his/her designee when determining the period of actual physical disability. Requests for leaves and extensions of leaves shall conform to state law governing all leaves of absence.

B. General Provisions

Sick leave is governed in accordance with the following general provisions:

1. Sick leave is accrued on a biweekly basis and the accumulated amount appears on employee’s paychecks.
2. Any day of sick leave used or portion thereof shall be deducted from the employee’s accumulated sick leave balance.

3. Employees transferring from one district department to another department without a break in service shall maintain the balance of unused accumulated sick leave.
4. Sick leave that qualifies under the Family and Medical Leave Act (FMLA) shall run concurrently with leave governed by policy 4038 Family and Medical Leave.
5. Holidays (in accordance with policy 4044 Paid Holidays) that occur while an employee is out on approved sick leave in a paid status shall be paid for the holiday and the leave shall not be charged against the employee's sick leave accumulation.
6. Medical verification from the employee's (or their immediate family member's) healthcare provider may be required when an employee is absent for three (3) or more days; or when there is a notable suspicious pattern of time off (i.e., calling in sick every Friday or Monday; or the day before/after a holiday).
7. Employees requesting use of short-term sick leave shall be required to notify his/her immediate supervisor, or other designated individual concerning the absence. The appropriate employee absence approval form must be completed by the employee and submitted to his/her immediate supervisor as far in advance as possible.
8. Requests for extended sick leave, along with any required documentation, must be submitted to the office responsible for human resources. If an employee has advanced knowledge of the need for extended sick leave, such requests should be submitted as soon as the leave is foreseeable; otherwise requests must be submitted prior to the anticipated first day of the leave. Provisions may be made for extenuating circumstances.
9. Employees must exhaust all paid leave (i.e., sick and/or vacation) prior to being granted leave in an **unpaid** status.
10. Disciplinary actions up to and including termination from employment may be taken for reasons including, but not limited to failure to give notice within the proper time limit and abuse/fraudulent use of sick leave including excessive absences; and/or a pattern of absences (e.g., consistently requesting sick leave on the Friday prior to a three-day weekend).