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The Leave of Absence Communiqué



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Use of Sick Pay

A **Leave of Absence** is defined as a period of time greater than 5 days during which an employee is not actively at work.

Using Sick Pay During a Leave of Absence.

- **Sick Pay-Medical Leave** - An employee is **required** to use his or her sick pay when absent due to an employee's own personal illness or injury. This type of leave would be considered a **medical leave of absence** and may be covered under FMLA.*
- **Sick Pay - Personal Leave** - An employee may use his or her sick pay to care for others due to illness (see FS 1012.61 below for details). This type of leave would be considered a **personal leave of absence** and may be covered under FMLA. *
- **Personal Charged to Sick** - An employee may use 6 days each year for personal reasons. Such absences for personal reasons will be charged to his or her accrued sick pay. This type of leave would be considered a **personal leave of absence**.

*Please refer to the **FMLA Leave Entitlement section of the LOA Guidebook** and The Family and Medical Leave Act of 1993 for additional information.

<http://www.dol.gov/esa/whd/regs/compliance/1421.htm#2d>.

Please see below **Florida Statute FS 1012.61 for the use of Sick Pay**.

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch1012/Sec61.HTM

FS 1012.61 Sick leave.

ELIGIBILITY - Any member of the instructional staff or any other employee of a district school system employed on a full-time basis in the public schools of the state who is unable to perform his or her duty in the school on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, other close relative, or member of his or her own household, and consequently has to be absent from his or her work shall be granted leave of absence for sickness by the district school superintendent or by someone designated in writing by the district school superintendent to do so.

Extent of Leave- A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons must be charged only to accrued sick leave and leave for personal reasons are noncumulative.

