



Leave of Absence Guidebook

Processing Leave Requests



*Employee Benefits
Brevard County School Board
2700 Judge Fran Jamieson Way
Melbourne, FL 32940
Last Updated: April 27, 2017*

LEAVE OF ABSENCE GUIDEBOOK

Important

This guidebook contains information about Leaves of Absence and is intended for use by employees of Brevard Public Schools. This information is not meant to replace the counsel of the Leave Specialist (see [LEAVE SPECIALIST LIST](#)) in Employee Benefits. If you have specific questions, please contact your Leave Specialist as identified in this manual.

The Employee Benefits team frequently updates this documentation to provide you with the most up-to-date information. Should there be a discrepancy between this booklet and the

Leave of Absence page on the [Brevard County Schools Web site](#) the provisions of the Web site prevail.

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About this Guidebook

We welcome your comments. We commit to evaluating all comments and incorporating those which improve the accuracy or overall ease-of-use of this guidebook. To enable this process, you're welcome to forward information to

Leave of Absence Supervisor
Employee Benefits Team

If you find errors, omissions, or confusing text, or if you would like to make a general comment about the guidebook, we invite you to e-mail us. Your comments will help improve the guidebook and ultimately help improve our overall services.

When you communicate with us, please provide the following information:

- Date the guidebook was last updated (found on the front cover).
- Heading name/page.
- Description of the issue.

In our effort to address your suggestions, we may wish to contact you for clarification. May we do so? If yes, please provide the following information:

- Your name.
- E-mail address.
- Phone number.

We look forward to hearing from you.

<mailto:Doss.Bonnie@brevardschools.org>

Chapter 1. **Introduction**

LEAVE OF ABSENCE GUIDEBOOK

Introduction to Leaves of Absence

From time to time, Brevard Public Schools employees will find it necessary to request a Leave of Absence (LOA) from their active work duties. This guidebook contains information about the LOA process.

This guidebook is broken into the following sections. Please follow the links to find the information you need.

Leave Topics

[For Managers: Process for Approving a Leave of Absence](#)

Flowcharts ([user](#) or [overall](#) process) of a typical leave flow

FMLA

[FMLA Leave Entitlement](#)

[Military Family Leave Entitlement – FMLA](#)

[FMLA Eligibility Requirements](#)

[Intermittent FMLA Leave](#)

[FMLA as a Benefit](#)

[Non-FMLA Leave Information](#)

Types of Leaves

[Medical Leave of Absence](#)

[Injury in the Line of Duty \(Worker's Compensation\)](#)

[Personal Leave of Absence](#) including Jury Duty, Union Activities, and Public Service

[Advanced Study or Educational Service Leave](#)

[Military Leave of Absence](#)

[Introduction to Initiating a Leave of Absence](#)

[While a Leave is in Progress](#)

[Benefit Continuation](#)

[Employee Rights while on Leave of Absence](#)

[Returning to Work from a Leave of Absence](#)

Important Note: This guidebook contains a description of Leaves of Absences. Should there be a discrepancy between this booklet and the Brevard Public Schools Web site the provisions of the Web site prevail. The Web site can be found at <http://benefits.brevard.k12.fl.us> or as a link from the Human Resources page.

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For Managers: The Process of Approving a Leave

When employees request a Leave of Absence (LOA), they should refer to the information available on our Web site: <http://benefits.brevard.k12.fl.us/HR/LOA/LOAHome.htm>

As a manager, your involvement typically begins when the request form has been completed and the request is on your desk for approval. You, of course, want to provide the best support to the end users of your department services or to the students in your school. However, there are times when a leave should be granted, and there are other times when a leave should not be approved. This section will address these considerations.

Additionally, a graphical representation of the process can be viewed in the following ways:

[The process from an employee's perspective.](#)

[The overall process.](#)

Considerations for Approving Leaves

All Leaves: Ensure that your employee or secretary has completely filled out the Leave of Absence Request form and that all required supporting documentation is attached, as described below. The request must be signed by the requesting employee, unless there is an extenuating circumstance. Please ensure that the employee has indicated how he/she would like any benefits handled during the leave of absence.

- Also note that the maximum time available to any employee for all leaves of absence is a cumulative two (2) years.
- While on an approved leave, an employee may not accept employment outside of the school district. Leave will be cancelled and employment ended if an employee accepts employment outside of the school district.

Timeframes: All non-emergency requests for any type of leave of absence must be submitted to the principal/supervisor at least 10 work days prior to the commencement date of the leave. If the employee fails to submit his/her non-emergency leave request at least 10 work days prior to the commencement date of the leave, the leave commencement date may not be approved to begin before at least 10 work days from the date the leave of absence request is submitted. If a leave request is for a bona fide emergency, the leave form should be submitted to the principal/supervisor within 10 work days after the date of the emergency.

Medical Leaves

The only time a medical LOA is requested is when the employee cannot be actively at work for more than five workdays because of his/her personal illness or injury. This covers all absences of greater than five workdays for any personal illness or injury, including Workers' Compensation absences of greater than five workdays. Requests for a medical LOA with proper documentation should be approved by the administrator.

When a medical leave crosses the Fiscal Year (FY) it is necessary to complete two leave request forms. The first leave form uses the end date of June 30th; if other than a 12-month employee, the second leave begins on the date you would have been scheduled to return to work.

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Family and Medical Leave Act

In 1993, the federal government passed the Family and Medical Leave Act (FMLA), which provides certain protections to employees on specific types of leaves. An eligible employee is entitled to up to a total of 12 workweeks of leave during a 12-month period for one or more of the following reasons:

1. For the birth and care of an employee's newborn child.*
2. For placement with the employee of a son or daughter for adoption or foster care.*
3. To care for an immediate family member of the employee (spouse, child, or employee's parent—not father-in-law or mother-in-law), with a serious health condition, or
4. Because of a serious health condition that makes the employee unable to perform the functions of his/her job.

In 2008, the FMLA Act of 1993 was amended to provide eligible employees two important leave rights related to military service. The Military Family Leave Entitlements are available at <http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>.

*If both parents are employees of Brevard Public Schools and are eligible under FMLA, their combined, total leave is twelve weeks.

Items 1-3, cover personal LOAs and will be discussed later. Item 4 covers medical LOAs as follows: At BPS, all medical leaves of absence are now also FMLA leaves, **for those employees who are eligible**. Employees who have worked for BPS for at least 12 months, and who have worked at least 1250 hours are eligible under FMLA. The FMLA 1250 hour minimum requirement is waived for instructional employees. An instructional employee must have worked at least one full semester during the school year and have at least 12 months of service.

Employees requesting a medical LOA who are not eligible under FMLA may be eligible for a Non-FMLA LOA, which provides Board-paid benefits for 60-days. Non-FMLA eligible employees must have at least 12 months of service.

Under some circumstances, employees may take FMLA leave intermittently—which means taking the leave in blocks of time.

Personal Leaves

If an employee requests any other type of LOA, it is a Personal LOA (except for military, union, and professional educational leaves, described below). Personal LOAs include leaves covered by the FMLA in items 1-3, above.

It's important that the employee stipulate the reason he/she is requesting a leave of absence; "personal" is not adequate as the reason. A personal leave can be denied by an administrator based on the business needs at the time requested, although requests for a personal LOA for reasons covered under the FMLA should be approved if proper documentation is provided. The following are *examples* of valid reasons for denying a personal leave request:

- The employee is going to work for someone else.
- The employee is leaving the state of Florida.
- You need the employee to complete the school year.

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Other Leaves

The following specialized personal leaves are discussed separately, since they require special documentation for approval:

Military Leaves: These leaves should be approved and submitted with the required military orders attached.

Professional/Educational Leaves: These may be approved at the administrator's discretion and must be accompanied by a program of study.

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Flow Diagrams

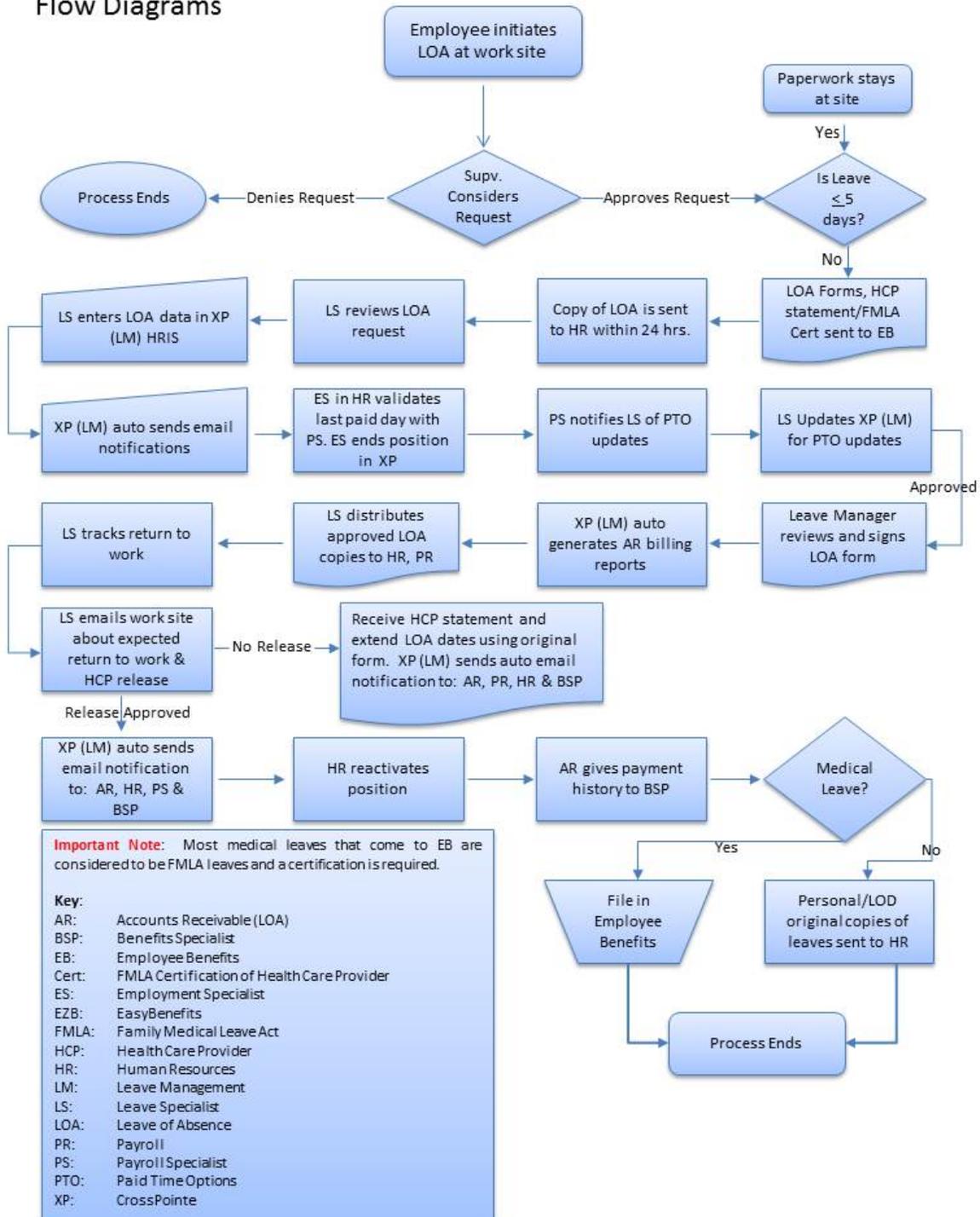


Figure 1 Basic Leave Process Flow

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LEAVE OF ABSENCE EMPLOYEE OVERVIEW

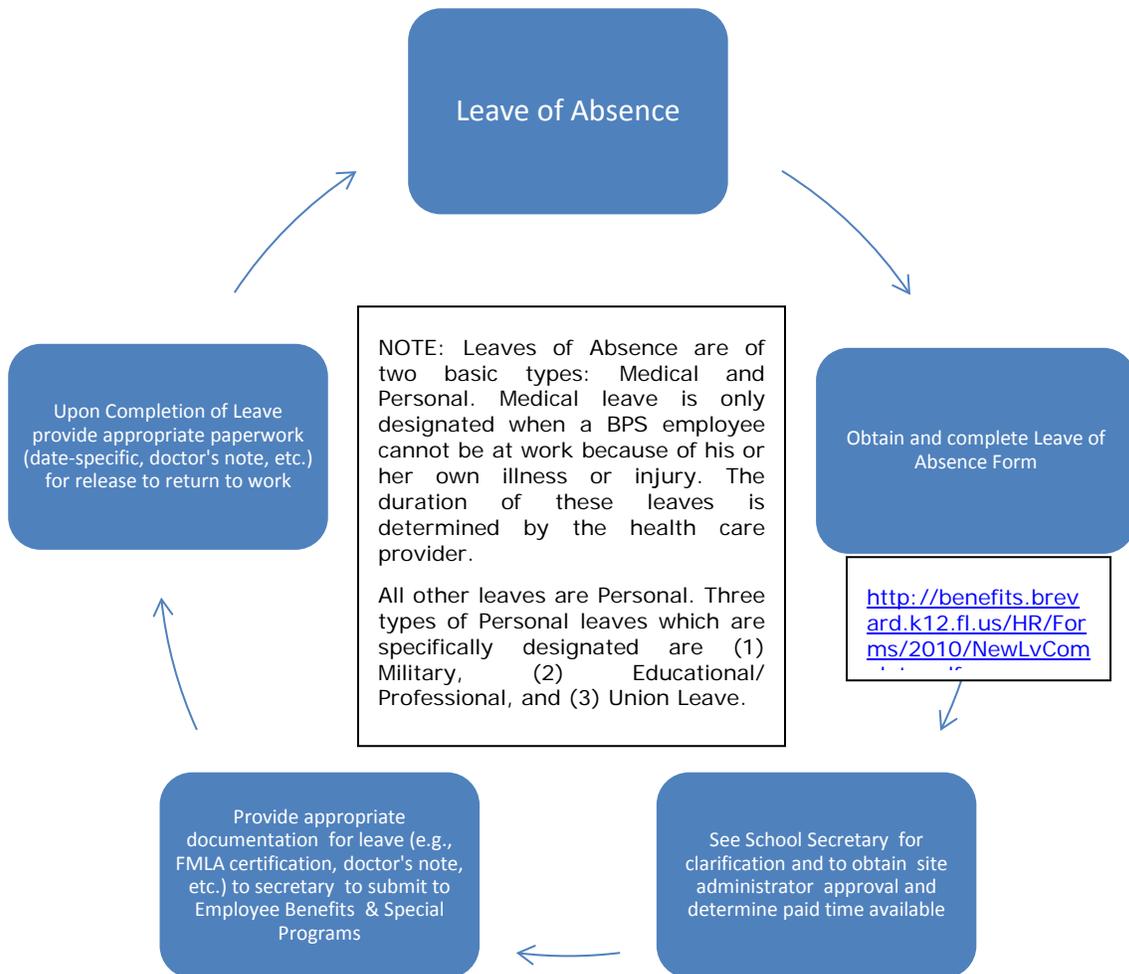


Figure 2 Flow from the Employee's Perspective

Chapter 2. **FMLA**

Family and Medical Leave Act—FMLA

What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA)* was enacted in 1993 for most employers. FMLA entitles eligible employees to take up to 12 weeks of job-protected leave in a 12-month period for specified family and medical reasons.

FMLA Leave Entitlement

The School Board of Brevard County will grant an eligible employee up to a total of 12 workweeks of job-protected leave during a 12-month period for one or more of the following reasons:

- For the birth and care of an employee's newborn child¹. (This is a medical leave for 6-8 weeks and, if requested, a personal leave for child rearing. Both are covered under FMLA.)
- For placement with the employee a son or daughter for adoption or foster care². (This is a personal leave covered under FMLA.)
- To care for an immediate family member of the employee (spouse, child, or employee's parent³—not father-in-law or mother-in-law), with a serious health condition, (This is a personal leave under FMLA), or
- Because of a **serious health condition**⁴ that makes the employee unable to perform the functions of his/her job (This is a medical leave covered under FMLA). * <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>
- Leave to care for a newborn child or for a newly placed child (adoption or foster care) must conclude within 12 months after the birth or placement.

¹ If both parents are employees of Brevard Public Schools and are eligible under FMLA, their combined total leave is 12 weeks.

² If both parents are employees of Brevard Public Schools and are eligible under FMLA, their combined total leave is 12 weeks.

³ If both parents are employees of Brevard Public Schools and are eligible under FMLA, their combined total leave is 12 weeks.

⁴ <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>

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Military Family Leave Entitlement—FMLA

In 2008, eligible employees are entitled to up to 12 workweeks of job-protected leave arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to covered active duty status, in support of a qualifying exigencies. Covered active duty means duty during deployment with the Armed Forces to a foreign country. Qualifying exigencies may include

- Attending certain military events.
- Arranging for alternative child care.
- Addressing certain financial and legal arrangements.
- Attending certain counseling sessions.
- Attending post-deployment reintegration briefings.

Military Caregiver Leave Entitlement—FMLA

In addition an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 workweeks of job-protected leave in a single 12-month period to care for the service member. A covered service member is defined as a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, and is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Serious injury or illness for purposes Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces that may render the service member medically unfit to perform the duties his/her office, grade, rank, or rating. An [FMLA certification](#) must be completed for Military Family Leave to be covered under this provision.

The 26 workweeks is a combined total of all types of FMLA leave.

For more detailed information, visit <http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf>

FMLA Eligibility Requirements

An eligible employee must meet all eligibility requirements:

- 12 months of service (does not have to be consecutive).
- 1250 actual hours worked (over the previous 12 months); preceding the date of the leave. (Run hours worked report).
Exception to 1250 actual hours:
 - (Instructional must have worked at least one full semester over the previous school year).
- Must have FMLA hours (days) available to use.
- [FMLA certification](#) must be signed by a licensed health care provider for all specified family and medical reasons covered under FMLA.

Brevard Public Schools performs the 12-month calculation by using the rolling 12-month period measured backward from the first day of the leave.

When an employee requests a leave of absence for a situation which is covered by the FMLA law, the district administrator must immediately notify the employee of his or her rights

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under the law by handing him or her the FMLA Information Packet* available on the [LOA Web Site](#). This notification is a compliance requirement of FMLA. In addition, neither the employee nor the employer can waive, save, or trade off their rights under FMLA. The employee is responsible for the completed and returned FMLA certification.

For additional information, visit <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>

Intermittent FMLA Leave

Under some circumstances, employees may take FMLA leave intermittently, which means taking the leave in blocks of time. A FMLA certification signed by a licensed healthcare provider is required for this FMLA leave request.

[Intermittent Leave](#) may be taken for the following reasons:

- To care for a seriously ill family member or because of the employee's serious health condition.
- To care for a newborn or newly placed adopted or foster care child only with the employer's approval.
- Qualifying Exigency Leave.
- Military Caregiver Leave.

Only the amount of leave actually taken while on intermittent leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Brevard Public Schools may account for FMLA leave in the shortest period of time allowed by their payroll systems.

Employees needing intermittent leave for foreseeable medical treatment must work with their site administrator to schedule the leave so as not to unduly disrupt the district's operations. Approval by an administrator or supervisor is required. An intermittent leave would require a return to work statement signed by the attending health care provider. All job restrictions included in the return to work statement would be subject to the physical demands of the employee's job description.

FMLA as a Benefit

Brevard Public Schools provides the following for up to twelve workweeks.

- Board-Paid Medical Contributions.
- Board-Paid one times Life Insurance Contributions.

FMLA leave runs concurrently with all paid time off options, which include:

- Workers Compensation.
- Sick Pay and Sick Bank Pay.
- Personal charged to sick, vacation and administrative pay.

Job Restoration

Upon return from FMLA leave, an employee must be restored to the employee's original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Non-FMLA Leave

What is the Non-FMLA Leave?

An employee may not meet the 1,250 hours or other eligibility requirement to qualify for a FMLA leave. In this circumstance, Brevard Public Schools designates the employee to be on a Non-FMLA leave. All requests for this type of leave are medical leaves and shall be defined by a healthcare provider's statement. Non-FMLA entitles eligible employees to take up to 12 weeks of leave in a 12-month period for specified medical reasons. However, the employee must have 12 months of service to be considered for the Non-FMLA entitlement.

The amount (days) of NON-FMLA leave available to an eligible employee will begin to be counted on the first day of the approved leave, running concurrently with any paid-time-off options used.

Non-FMLA Leave Entitlement

The School Board of Brevard County will grant an eligible employee up to a total of 12 workweeks (60 workdays) of leave during a 12-month period for the following:

- Because of a **serious health condition** that makes the employee unable to perform the functions of his/her job.

Non-FMLA Eligibility Requirements

An eligible employee must meet all eligibility requirements:

- 12 months of service (does not have to be consecutive).
- Must have Non-FMLA hours (days) available to use.
- Must provide a signed health care provider's statement which includes a diagnosis, a begin date, and end date pertaining to the medical condition.

Non-FMLA as a Benefit

Brevard Public Schools provides the following for 60 workdays:

- Board-Paid Medical Contributions.
- Board-Paid one times Life Insurance Contributions.

NON-FMLA leaves run concurrently with all paid time off options, which include:

- Workers Compensation.
- Sick Pay and Sick Bank Pay.
- Personal charged to sick, vacation and administrative pay.

For additional information refer to [*How to Initiate a Non-FMLA Leave of Absence*](#).

Chapter 3. **Types of Leaves**

Medical Leaves of Absence

What is a Medical Leave of Absence?

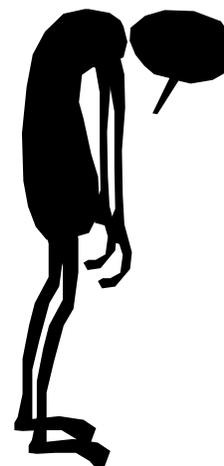
A medical leave of absence is designated when an employee's personal illness or injury prevents him or her from being actively at work for more than five workdays. A medical leave of absence would also include

- A leave of absence for maternity/childbirth or
- A leave of absence for an injury in the line of duty (Workers' Compensation).

The need for and duration of medical leaves of absence are determined by a licensed health care provider. The healthcare provider's statement must include a diagnosis, a begin date, and an end date pertaining to the medical condition.

A medical leave shall be covered under the **Family Medical Leave Act** (FMLA) <http://www.dol.gov/whd/regs/compliance/whdfs28.pdf> if the employee meets the eligibility requirements. A FMLA certification signed by a **licensed health care provider*** is required.

*<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>



Medical Leave-Specific Guidelines

- An employee is required to use his or her sick pay (if available) during a medical leave of absence. If the employee is a member of the Sick Bank, he or she must submit the request for sick bank pay no later than 10 work days prior to the first day of sick bank pay for non-emergencies, and within 10 work days after the first day of sick bank pay for emergencies. Failure to submit a request for sick bank pay within these timeframes will render the request null and void.
- Once all sick pay and sick bank pay options are exhausted, an employee may use any available vacation pay to keep his or her pay whole for as long as possible.
- Brevard Public Schools' policy allows an employee to transfer accumulated sick pay to a spouse, child, parent, or sibling who is also a district employee.
- If injured in the line of duty, an employee will be paid two-thirds of base salary by Workers' Compensation. The remaining one-third of regular pay can be paid from any sick pay balance, and once sick pay is exhausted, from any available vacation pay. Please contact Risk Management for all Workers' Compensation questions.
- While on an approved leave, an employee may not accept employment outside of the school district. Leave will be cancelled and employment ended if an employee accepts employment outside of the school district.

For additional information, refer to [How to Initiate a Medical Leave of Absence](#).

Extended Illness

In certain situations when an employee is on a continued leave and has exhausted all accumulated sick pay (and sick bank pay if available), but continues to be sick or disabled and unable to return to employment, he or she may be granted leave upon submitting a request for a leave of absence for a total maximum of two (2) calendar years. In this circumstance, Brevard Public Schools designates the employee to be on an extended illness defined as a medical leave. This type of leave provides Board-paid benefits for a period of 60 calendar days. An extended illness leave and a FMLA or Non-FMLA leave may not run consecutively. All requests and extensions for this type of leave shall be defined by a healthcare provider's statement.

The second year of extended illness leave must be applied for by submitting a leave request no later than May 15th.

Personal Leaves of Absence

An employee may request a Personal Leave of Absence when he or she cannot be at work and is not eligible for another type of leave. The employee must provide a specific reason for the request. An employee may be eligible for a leave covered under the **Family and Medical Leave Act** to care for a parent, spouse, or child and for child adoption, child rearing and paternity. An FMLA certification signed by a licensed health care provider is required. A Personal Leave of Absence may also be requested to participate in jury duty, union activities, and public service.

What is a Personal Leave of Absence?

This type of leave may be taken for one of the following reasons:

Family and Medical Leave (FMLA) Personal Leave Types

- Adoption/Child Rearing/Paternity (12 work weeks).
- Caring for an immediate family member of the employee (spouse, child, or parent but not a parent “in-law”) with a serious health condition (12 work weeks).

Military Family Leave (FMLA) Personal Leave Types

- Qualifying Exigencies – Military Family Leave (12 work weeks).
- Military Caregiver Leave (26 work weeks).



Other Personal Leave Types

- Caring for other’s due to illness.
- Public Service.
- Jury Duty.
- Union Leave.
- Support Spouse’s Military Order.
- Other Personal Reasons—a specific reason must be provided for this type of request so the approval decision can be made. “Personal” is not a valid reason.

Personal Leave-Specific Guidelines

- At the District’s discretion and subject to administrator’s approval, a Personal leave of absence may be granted to employees for up to two full years for 12-month employees or two partial school years for school-based employees.
- An employee may use his or her [sick pay](#) to care for others due to illness and to care for an immediate family member due to a serious health condition. Sick pay is not available for child adoption, child rearing and paternity.
- An employee may use six “sick pay” days each year for personal reasons as “Personal Charged to Sick”. Such absences for personal reasons will be charged to his or her accrued sick pay.

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- While on an approved leave, an employee may not accept employment outside of the school district. Leave will be cancelled and employment ended if an employee accepts employment outside of the school district.
- Personal leaves not covered under the Family and Medical Leave Act of 1993 will not be subject to the FMLA job restoration provision.
- For additional information, refer to [How to Initiate a Personal Leave of Absence](#).

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Professional or Educational Study Leave

What is a Professional or Educational Study Leave for Tenured Instructional Staff?

An instructional employee can apply for this type of leave and it may be granted, at the discretion of the Board and the administrator, for the following reasons:

Professional Study Leave- Paid Leave

- Attend curriculum meetings.
- Observe instructional techniques.

Educational Study Leave – Unpaid Leave

1. Exchange Teaching Program for teachers on Professional Service/Continuing Contract.
2. Military Teaching Program such as teaching for Department of Defense schools.
3. Full-time participation in the Peace Corps, Teacher Corps, or Job Corps.
4. Masters and/or Doctorate advanced program of study.

Educational Study Leave-Specific Guidelines

- As a condition of this type of leave, see *Educational Study Leave – Unpaid Leave* above items 1-3, the teacher shall include in the written application an intention to return to the district for a minimum of two years. However, a Masters and/or Doctorate advanced program of study, does not require the employee to provide intent to return to the district.
- Educational study leave may be granted to a teacher on Professional Service/Continuing Contract to attend an accredited institution. The course of study must be related to the teacher's professional responsibility as an instructor. This type of leave would begin only at the start of the school year and expire on June 30 of each year.
- Upon return from educational study leave, official transcripts reflecting a full course load must be provided.
- This type of leave may be renewed for no less than one school year per renewal, and shall not be renewed more than twice. The renewal shall be limited to the year immediately following the first year that the leave began.

Professional Study Leave-Specific Guidelines

- Professional study leave not to exceed 30 calendar days and must be deemed to be of substantial benefit to the district and have an immediate application to the teaching program.
- A teacher will not be granted a professional study leave with pay for more than five days per school year.
- Teacher must be employed with the district as a teacher for one year and enrolled in a master's or higher level program with an accredited institution.

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For additional information, refer to [How to Initiate a Professional/Educational Study Leave](#).

Military Leaves of Absence

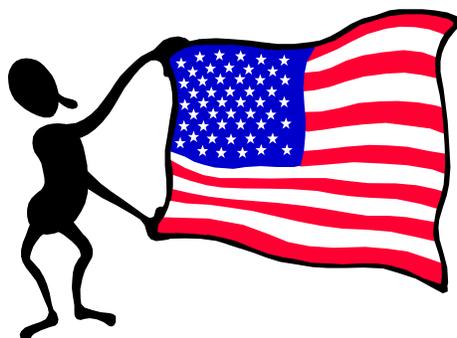
What is a Military Leave of Absence?

Brevard Public Schools' employees are entitled to time away from active work for certain types of active or inactive duty in the Armed Services. The amount of paid military time will be granted in accordance with applicable State and Federal laws without the loss of time and pay. For more information concerning military leaves please contact the Office of Human Resources/Labor Relations.

Military-Specific Guidelines

- Unless an emergency situation exists, a Leave Request must be submitted 60 days prior to the begin date of the leave. **Military orders** must be attached as soon as practical to be processed in a "paid" military leave status, and the leave must be approved prior to the begin date.
- Upon completion of the tour of duty, you will be returned to employment without prejudice, provided application for re-employment is filed within six months following the date of discharge or release from active military duty and provided that the Board shall have reasonable time, not to exceed six months, to reassign you to the school system. The time period may be extended if you are hospitalized or convalescing from a service-connected illness or injury.
- All documentation (**military orders**) will need to be provided to the work site Leave administrator (who will then forward the information to the district Leave Specialist).

For additional information refer to "[How to Initiate a Military Leave of Absence](#)".



Chapter 4. **How to Initiate a Leave of Absence**

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Introduction to Initiating a Leave of Absence

Since you have identified the type of leave needed, please select the appropriate link below to find more information to complete your leave request.

- Medical Leave.
 - FMLA.
 - Non-FMLA.
- Injury in Line-of-Duty Worker's Compensation. ([For more information contact the Office of Risk Management.](#))
- Personal Leave.
 - Personal covered under FMLA.
 - Personal Leave.
 - Union Leave. ([For more information contact Labor Relations.](#))
- Professional/Educational Study Leave. ([For more information contact Human Resources/Labor Relations.](#))
- Military Leave. ([For more information contact Labor Relations.](#))

Use of Sick Pay

Here are Specific Guidelines for Use of 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/whd/regs/compliance/whdfs28.pdf> .

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=1000-1099/1012/Sections/1012.61.html

LEAVE OF ABSENCE GUIDEBOOK

FS 1012.61 Sick leave.

- (1) **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.

- (2) **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 non-cumulative.

LEAVE OF ABSENCE GUIDEBOOK

How to Initiate a Medical Leave of Absence

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Medical leaves are absences from work greater than five workdays due to the employee's own illness or injury.
2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOAHome.htm>. Download and distribute to the employee the following:
 - **Leave of Absence Information and Application Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
3. Discuss with the employee his/her rights under the FMLA (Family Medical and Leave Act) of 1993. See section in this guidebook "[What is the Family and Medical Leave Act?](#)"
4. Determine if the employee meets **FMLA Leave Entitlement**. See section in this guidebook "[FMLA Leave Entitlement.](#)"
5. Determine if the employee meets **FMLA Eligibility Requirements**. See section in this guidebook "[FMLA Eligibility Requirements.](#)" Complete and/or provide the following leave documents:
 - Hours worked report (for support staff only).
 - FMLA Certification signed by a licensed health care provider. The FMLA certification should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis.
6. If the employee is **not** FMLA eligible, the employee may be eligible for a **Non-FMLA** leave. See section in this guidebook "[Non-FMLA Leave.](#)" All requests for a Non-FMLA leave are defined by the health care provider's statement. The health care provider's statement should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis.
7. Determine employee's **Paid Time-Off Options**. Key points follow:
 - Sick pay must be used for all medical leaves, if available.
 - The amount of days of FMLA or Non-FMLA leave available to eligible employees will begin to be counted on the first day of the approved leave, running concurrently with paid time off options used.
8. Determine if an employee is a Sick Bank member. If the employee is eligible for Sick Bank, instruct the employee to complete the Sick Bank Application and review the Sick Bank guidelines included in the **Leave of Absence Information and Application Packet**. Send original Sick Bank Application along with copies of the approved leave request form and detailed health care provider statement (Non-FMLA) or FMLA certification (FMLA) to the Office of Payroll, ESF, Melbourne.
9. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date as determined by the health care provider.

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10. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed [Benefit Change Form](#) to be sent to the Office of Employee Benefits, ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave.](#)"
11. Ensure the leave form contains employee's signature and required signatures of approval from your supervisor.
12. Provide employee with a copy of signed leave of absence request form.
13. Give original leave of absence form, health care provider's statement or FMLA certification, and FMLA calculation sheet to your work site's Leave Specialist at the district office, ESF, Melbourne for Human Resource Administrator's approval.
14. Send a copy of the leave of absence request form to your work site's payroll specialist at the Office of Payroll, ESF, Melbourne.

Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
4. Provide Site Administrator with a completed and signed
 - Health Care Provider's Statement, or
 - FMLA Certification, and
 - Sick Bank Application (for Sick Bank members only). Contact the Office of Payroll for details.
5. Upon completion of your leave of absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
6. The Site Administrator may contact you for any additional requirements as needed.

LEAVE OF ABSENCE GUIDEBOOK

How to Initiate a Non-FMLA Leave of Absence

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Non-FMLA leaves are medical leaves of absences from work greater than five workdays due to the employee's own illness or injury.
2. Non FMLA leave is for employees who do not meet the 1250 hours worked FMLA eligibility requirement but have 12 months of service. See "[Non-FMLA Leave](#)."
3. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and distribute to the employee the following leave of absence packets.
 - **Leave of Absence Information and Application Packet.**
4. All requests for a Non-FMLA leave are defined by the health care provider's statement. The health care provider's statement should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis.
5. Determine employees **Paid Time-Off Options**. Key points are that
 - All sick pay must be exhausted.
 - The amount of days of Non-FMLA leave available to eligible employees will begin to be counted on the first day of the approved leave, running concurrently with paid time off options used.
6. Determine if an employee is a Sick Bank member. If the employee is eligible for Sick Bank, instruct the employee to complete the Sick Bank Application and review the Sick Bank guidelines included in the **Leave of Absence Information and Application Packet**. Send original Sick Bank Application along with copies of the approved leave request form and detailed health care provider statement to the Office of Payroll at the ESF, Melbourne.
7. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date as determined by the health care provider.
8. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed Benefit Change Form to be sent to the Office of Employee Benefits at the ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave](#)."
9. Ensure the leave form contains employee's signature and required signatures of approval from the principal or supervisor.
10. Provide employee with a copy of signed leave of absence request form.
11. Give original leave of absence form and health care provider's statement to your work site's [Leave Specialist](#) at the Office of Employee Benefits, ESF, Melbourne.
12. Send a copy of the leave of absence request form to your work site's payroll specialist at the Office of Payroll at the ESF, Melbourne.

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Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
4. Provide Site Administrator with the completed and signed forms that follow:
 - Health Care Provider's Statement.
 - Sick Bank Application (for Sick Bank members only). Contact the Office of Payroll for details.
5. Upon completion of your leave of absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the Office of Employee Benefits for approval.
6. Site Administrator may contact you for any additional requirements a needed.

LEAVE OF ABSENCE GUIDEBOOK

How to Initiate an Injury in the Line of Duty Leave of Absence

Employees injured in the line of duty (Workers' Compensation) will **require** a leave of absence if injury prevents him or her from being actively at work for more than 5 workdays. This leave type would be considered a medical leave of absence and covered under FMLA if the employee meets FMLA eligibility requirements. For more information concerning Workers' Compensation contact the Office of Risk Management.

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Injury in the line of duty (Workers' Compensation) is a medical leave of absence from work greater than five workdays due to the employee's on-the-job injury.
2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and distribute to the employee the following:
 - **Leave of Absence Information and Application Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
3. Discuss with the employee his/her rights under the FMLA (Family and Medical Leave Act) of 1993. See section in this guidebook "[What is the Family and Medical Leave Act?](#)"
4. Determine if the employee meets **FMLA Leave Entitlement**. See "[FMLA Leave Entitlement](#)."
5. Determine if the employee meets **FMLA Eligibility Requirements**. See "[FMLA Eligibility Requirements](#)." Complete and/or provide the following leave documents.
 - Hours worked report (for support staff only).
 - FMLA Certification signed by a licensed health care provider. The FMLA certification should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis.
6. If the employee is **Not FMLA eligible** the employee may be eligible for a **Non-FMLA** leave. See section in this guidebook "[Non-FMLA Leave](#)." All requests for a Non-FMLA leave are defined by the health care provider's statement. The health care provider's statement should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis.
7. Determine employees **Paid-Time-Off Options**. Key points are
 - All sick pay must be exhausted.
 - The amount of days of FMLA or Non-FMLA leave available to eligible employees will begin to be counted on the first day of the approved leave, running concurrently with paid-time-off options used.
8. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date as determined by the health care provider.
9. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a

LEAVE OF ABSENCE GUIDEBOOK

signed [Benefit Change Form](#) to be sent to the district office, Employee Benefits, ESF, Melbourne. See in this guidebook section "Benefit Continuation while on an Unpaid Leave."

10. Ensure the leave form contains employee's signature and required signatures of approval from your principal or supervisor.
11. Provide employee with a copy of the signed leave of absence request form.
12. Give original leave of absence form and health care provider's statement, FMLA certification, and FMLA calculation sheet to your work site's Leave Specialist at the district office, ESF, Melbourne for Human Resource Administrators approval.
13. Send a copy of the leave of absence request form to your work site's payroll specialist at the district office, ESF, Melbourne.

Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
4. Provide Site Administrator with a completed and signed
 - Health Care Provider's Statement (non-FMLA eligible) or
 - FMLA Certification (FMLA eligible).
5. Upon completion of your leave of absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
6. Site Administrator may contact you for any additional requirements a needed.

LEAVE OF ABSENCE GUIDEBOOK

How to Initiate a Personal FMLA Leave of Absence and Military Family Leave

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Personal FMLA and Military Family Leave are absences from work greater than five workdays for the following reasons:

Family Medical Leave (FMLA)

- Adoption or Foster Care.
- Child Rearing/ Paternity.
- Caring for immediate family member (spouse, child or parent) with a serious health condition.

Military Family Leave

- Qualifying Exigencies – Military Family Leave (12 weeks)
- Military Caregiver Leave (26 weeks)

2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and distribute to the employee the following:
 - **Leave of Absence Information and Application Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
3. Discuss with the employee his/her rights under the FMLA (Family and Medical Leave Act) of 1993. See section in this guidebook "[What is the Family and Medical Leave Act?](#)"
4. Determine if the employee meets **FMLA Leave Entitlement**. See section in this guidebook "[FMLA Leave Entitlement](#) and [Military Family Leave Entitlement-FMLA](#)."
5. Determine if the employee meets **FMLA Eligibility Requirements**. See section in this guidebook "[FMLA Eligibility Requirements](#)." Complete and/or provide the following leave documents.
 - Hours worked report (For support staff only).
 - FMLA Certification signed by a licensed health care provider. The FMLA certification should include the first date of the requested leave of absence, an estimated return to work date, and a diagnosis for the caring of the immediate family member.
6. Determine employee's **Paid-Time-Off Options**. Key points are
 - An employee may use his or her [sick pay](#) to care for an immediate family member due to a serious health condition. Sick pay is not available for adoption, foster care, child rearing, paternity and qualifying exigencies. However an employee may use six "sick pay" days each year for personal

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reasons as "Personal Charged to Sick". Such absences for personal reasons will be charged to his or her accrued sick pay.

- Vacation pay is optional.
 - The amount of days of FMLA leave available to eligible employees will begin to be counted on the first day of the approved leave, running concurrently with paid-time-off options used.
7. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date as determined by the FMLA certification.
 8. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed Benefit Change Form to be sent to the Office of Employee Benefits at the ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave.](#)"
 9. Ensure the leave form contains employee's signature and required signatures of approval from your principal or supervisor.
 10. Provide employee with a copy of signed Leave of Absence request form.
 11. Give original Leave of Absence form, FMLA certification, and FMLA calculation sheet to your work site's Leave Specialist at the Office of Human Resources at the ESF, Melbourne, for approval.
 12. Send a copy of the Leave of Absence request form to your work site's payroll specialist at the Office of Payroll, ESF, Melbourne.

Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
 - **FMLA Information Packet.**
 - **Applicable FMLA Certification Form.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
 - Provide Site Administrator with a completed and signed FMLA Certification form.
4. Upon completion of your leave of absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
5. Site Administrator may contact you for any additional requirements as needed.

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How to Initiate a Personal Leave of Absence

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Personal leaves are absences from work greater than five workdays for the following reasons and are not covered under the Family and Medical Leave Act of 1993.
 - To care for other's illness (see FS 1012.61 use of sick pay in guidebook).
 - Public Service, Jury Duty (Subpoena), Spouse's Military Order, and Union Leave, or
 - Other personal reasons which will require a specific reason and are subject to district approval.
2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and distribute to the employee the following leave of absence packets.
 - **Leave of Absence Information and Application Packet.**
3. Determine employee's Paid-Time-Off Options. Key points are:
 - For Jury Duty or Subpoena, such time away from duty may not be charged against any accumulated earned leave.
 - An employee may use his or her [sick pay](#) or vacation pay to care for others due to illness.
4. Court appearance verification for Jury Duty (Subpoena) for each day of absence is required.
5. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date.
6. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed Benefit Change Form to be sent to the Office of Employee Benefits, ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave.](#)"
7. Ensure the leave form contains employee's signature and required signatures of approval from your principal or supervisor.
8. Provide employee with a copy of signed Leave of Absence request form.
9. Give original Leave of Absence request form to your work site's Leave Specialist at the district office, ESF, Melbourne for Human Resource Administrator approval.
10. Send a copy of the Leave of Absence request form to your work site's payroll specialist at the district office, ESF, Melbourne.

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Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
4. Provide Site Administrator with daily court appearance verification for
 - Jury Duty or (Subpoena).
5. Provide Site Administrator with a copy of "spouse's"
 - Military Order.
6. Upon completion of your Leave of Absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
7. Site Administrator may contact you for any additional requirements a needed.

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How to Initiate a Professional/Educational Study Leave

Site Administrator

1. Discuss with the employee the factors to determine what type of leave is required. Professional/ Educational Study leaves are personal leaves of absences from work greater than five workdays available to instructional personal only.
2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20F%20MLA%20Certifications.htm> Download and distribute to the employee the following leave of absence packets.
 - **Leave of Absence Information and Application Packet.**
3. Determine if the employee meets Professional/Educational guidelines. See "Professional or Educational Guidelines" and contact the Office of Human Resources/Labor Relations for more information.
4. Determine employee's Paid Time-Off Options.
5. Official full-course description is required.
6. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date.
7. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed Benefit Change Form to be sent to the Office of Employee Benefits at the ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave.](#)"
8. Ensure the leave form contains employee's signature and required signatures of approval from your principal or supervisor.
9. Provide employee with a copy of signed Leave of Absence request form.
10. Give original Leave of Absence request form to your work site's Leave Specialist at the district office, ESF, Melbourne for Human Resources Administrator approval.
11. Send a copy of the Leave of Absence request form to your work site's payroll specialist at the Office of Payroll, ESF, Melbourne.

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Employee

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20F%20MLA%20Certifications.htm> Download and Print the following: .
 - **Leave of Absence Application and Information Packet.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.
4. Provide Site Administrator with a course of study or program for
 - Professional Study Leave.
 - Educational Study Leave.
5. Upon completion of your Leave of Absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
6. Upon your return from an Educational Study Leave, an official transcript reflecting a full course load, which is usually eighteen to twenty-four credit hours, will be required.
7. Site Administrator may contact you for any additional requirements a needed.

LEAVE OF ABSENCE GUIDEBOOK

How to Initiate a Military Leave of Absence

Site Administrator

Military Leaves must be submitted sixty days in advance of the beginning date of leave. In the case of emergency deployment, the sixty-day advance notice will be waived.

1. Discuss with the employee the factors to determine what type of leave is required. Military leaves are leaves of absences from work greater than five workdays.
2. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20F%20MLA%20Certifications.htm> Download and distribute to the employee the following leave of absence packets.
 - **Leave of Absence Information and Application Packet.**
3. Determine if the employee meets Military guidelines. See "[Military-Specific Guidelines](#)" and contact the Office of Human Resources/Labor Relations for more information.
4. Determine employee's Paid-Time-Off Options.
5. An official copy of military orders will be required.
6. Complete a Leave of Absence request form. Select leave type. Enter leave begin date and end date.
7. Ensure employee completes acknowledgement section for Unpaid Leaves to determine benefits continuation. Any change to benefits continuation will require a signed Benefit Change Form to be sent to the district office, Employee Benefits, ESF, Melbourne. See "[Benefit Continuation while on an Unpaid Leave](#)".
8. Ensure the leave form contains employee's signature and required signatures of approval from your principal or supervisor.
9. Provide employee with a copy of signed leave of absence request form.
10. Give original leave of absence request form to your work site's Leave Specialist at the district office, ESF, Melbourne for Human Resources Administrator approval.
11. Send a copy of the Leave of Absence request form to your work site's payroll specialist at the district office, ESF, Melbourne.

Employee

Military Leaves must be submitted sixty days in advance of the start date of the leave. In the case of emergency deployment, the sixty day advance notice will be waived.

1. Go to <http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20F%20MLA%20Certifications.htm> Download and Print the following:
 - **Leave of Absence Application and Information Packet.**
2. Contact your' school-based or department Site Administrator to determine what type of leave is required.
3. Complete a Leave of Absence form with your Site Administrator.

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4. Provide Site Administrator with an official copy of your military orders.
5. Upon completion of your Leave of Absence request form, the Site Administrator will provide a signed copy for your records and submit your leave request to the district office for approval.
6. Site Administrator may contact you for any additional requirements a needed.

Chapter 5. **While a Leave is in Progress**

Benefits Continuation While on Leave of Absence

Leave of Absence “Unpaid Status”

When an employee’s leave of absence begins or moves into an “**unpaid**” status, the employee can decide to cancel or change health benefits within 30 days of the first day of their unpaid leave of absence as a qualifying event under IRS code, Section 125. All changes and/or cancellation of the employee’s health benefits coverage due to a qualifying event must be requested on a [Benefit Change Form](#) and submitted to the office of Employee Benefits within 30 days of the qualifying event.

In addition, the first day back to work and paid status from an “**unpaid**” leave of absence will be considered another qualifying event under Section 125, and employees will have 30 days to change health benefits again or apply to pick back up any health benefits they dropped or cancelled. However, the employee may be required to provide “**Evidence of Insurability**” and may be subject to “pre-existing conditions” as defined under the **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**, http://www.dol.gov/ebsa/faqs/fag_consumer_hipaa.html if the employee allows a lapse in health benefits of 63 days or more.

Monthly Premium Billing

Once the employee exhausts all paid options (sick pay, sick bank pay, and/or vacation pay) and goes into an “**unpaid**” status when there is no paycheck from which to deduct premiums, Brevard Public Schools (BPS) will start sending monthly invoices for the premiums that are due. To view a sample of a monthly invoice and billing notification letter please see “John Sample and Billing Notification Letter”. If the employee’s leave of absence is covered under the Family and Medical Leave Act (FMLA), or if the employee is eligible for sixty days Board-paid premiums (Non-FMLA), the employee will only be responsible for paying the employee portion of the benefits premiums, which is what is normally deducted from each paycheck.

When the employee’s leave request is not eligible for FMLA or Non-FMLA entitlements or if the employee has exhausted all FMLA or Non-FMLA entitlements, the employee will be responsible for the entire cost of health benefits premiums, to include the amount normally contributed by the Board. *Employees cannot change their benefits simply because they now have to pay the “Board” portion. This is an important concept to understand when making the decision within 30 days of the first day of the employee’s **unpaid** leave (described above) regarding the continuation of benefits. Follow this [link](#) to estimate premium costs.*

Health Benefit deductions are subject to the 7 day rule for benefit deductions. The rule is if you are benefit eligible for 7 or more days within a payroll pay period you will have deductions or premiums due.

Cancellation Due to Non-Payment

Brevard Public Schools will cancel an employee’s health benefits for non-payment if the employee does not make his or her payments in accordance with the invoice amounts and due dates that are sent to them from the office of Employee Benefits. The employee’s health benefits coverage will be terminated back to the last date through which the employee had paid premiums due in full. The employee will be held responsible for reimbursing the District for any pharmacy claims that were paid by the District on their behalf during any period when benefits are no longer in effect.

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Leave of Absence “Paid Status”

When an employee’s leave of absence begins in a **paid status** (for example, sick pay, sick bank pay, administrative pay, and vacation pay), benefits premium deductions continued from these paychecks and the employee’s health benefits continue as if the employee is actively at work. Note: Employee’s whose entire leave of absence is **paid** will have no qualifying event for health benefits change when they begin a leave, nor when they return from a leave of absence.

Employee Rights While on Leave of Absence

Leave of Absence Qualifying Events

As discussed previously, an employee can maintain health benefits during an approved leave of absence as long as payroll deductions continue while the employee is in a **paid status**, or if full monthly premium payments are remitted to the Office of Employee Benefits by the date due while the employee is in an **unpaid** status. If an employee selects to change or cancel existing health benefits, the employee has the option to make these benefits changes within 30 days of the first day of an **unpaid** leave of absence.

An employee may make changes to their health benefits while on an approved leave of absence due to a **Qualifying Event** which is defined as a **change in family status** due to

- Marriage or Divorce.
- Birth or Adoption of a child.
- Death of a spouse or child.
- Change in dependent(s) status.
- The loss or gain of benefits for yourself or your eligible dependents.
- The first day of an **unpaid** leave.
- The first day of your return from an **unpaid** leave.
- Brevard Public Schools retirement.

All changes to an employee’s health benefits due to a qualifying event must be requested on an **Employee Benefit Change Form**, with proper documentation attached, and submitted to the Office of Employee Benefits within 30 days of the change.

Health Benefit Enrollment Provisions while on a Unpaid Leave of Absence

If an employee elects to cancel or change health benefits while on an **unpaid** leave of absence or benefits have been terminated for **non-payment**, the employee may re-enroll by completing an **Employee Benefit Change Form** within 30 days upon his/her return to work subject to normal health benefit enrollment provisions as described below.

- **Short-Term or Long-Term Disability** - If the employee has cancelled Short-Term or Long-Term Disability, the employee will have to go through the Evidence of Insurability (EOI) process with the applicable carrier. If the employee is on a short-term disability claim and has paid disability coverage premiums for six months, he or she will be eligible for a waiver of premium, and coverage can be reinstated upon return without going through the EOI process. If the employee is on a personal leave and has paid disability coverage premiums for 13 weeks, the coverage can be reinstated upon return to work without going through the EOI process.

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- **Life Insurance** - If the employee's Life insurance is cancelled during a leave of absence, it will be reinstated after the employee returns to work at one times base salary. The employee may take additional coverage at an increment of one times base salary during each Open Enrollment until the employee has reached the additional maximum coverage amount of four times base salary.
- **Dependent Life** - If the employee's Dependent Life coverage is cancelled, the employee must go through the EOI process for each dependent he or she wishes to cover, or the employee may reinstate the coverage during the next Open Enrollment period which may require another EOI review.

Important Note: If Dependent Life, Short-Term Disability, or Long-Term Disability is cancelled due to non-payment of premiums, the employee will have to wait until Open Enrollment to reinstate the Dependent Life and will be able to request EOI for the disability coverage's. Any time an employee selects to go through the EOI process, the carrier can deny reinstatement, and the employee will have to wait until the next Open Enrollment period to go through another EOI review.

Reinstatement: Any other coverage can be reinstated upon the employee's return to work from an *unpaid* leave by completing the **Employee Benefit Change Form** within 30 days upon return to work, subject to normal health benefits enrollment provisions. See link for **Employee Benefit Change Form**.

http://benefits.brevard.k12.fl.us/HR/benefits%202013%20forward/Forms/Benefit_%20Change_%20Form.pdf



Office of Employee Benefits
2700 Judge Fran Jamieson Way
Melbourne, FL 32940-6699

Benefits Invoice

On-Leave Contact:
Maria Perez
(321) 633.1000 ext 248

Today's Date: 08-Apr-14

Bill To: Sample, John 21
345 Main Street
Melbourne, FL
32904

Emp ID	Invoice ID	Invoice Date	Date Required
020-01-1016	000003552	3/1/2011	3/10/2011

Product ID	Product Description:	Quantity	Unit Price	Extended Price
MEEC	Cigna EPO Medical EE+ Children	1	\$210.00	\$210.00

Total:	\$210.00
---------------	-----------------

Invoice Notes:

Payment By: Sample, John 21
345 Main Street
Melbourne, FL 32904

Apply Payment:
000003552

PLEASE remit your payment to the above address and make your check or money order payable to Brevard Public Schools. Thank you!

School Board of Brevard County
2700 Judge Fran Jamieson Way • Melbourne, FL
32940-6699 Brian T. Binggeli, Ed.D., Superintendent



April 8, 2014

John Sample
345 Main Street
Melbourne, FL 32904

RE: Billing and Notification Qualifying Event Benefits
Change

Dear Leave of Absence (LOA) Benefits Plan Participant:

We understand that you currently are on an approved Leave of Absence from Brevard Public Schools, and you wish to continue the employee benefits you have selected. Once you no longer receive a paycheck from which your benefits premiums may be deducted, **Brevard County School Board, Office of Employee Benefits** will mail a monthly benefit premium invoice reflecting your payment due for the benefits in which you and/or your eligible dependents are currently enrolled.

All payments are due by the date indicated on the invoice. If benefits premiums invoices are not paid in full within your grace period, all of your benefits will be terminated for non-payment. Please note that under provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA), if you allow benefits to lapse for non-payment for 63 days or longer, you will be subject to certain pre-existing conditions and/or evidence of insurability requirements upon reenrollment.

You may change your employee benefits while on an approved LOA due to a **qualifying event**, which is defined as a change in family status due to

- Marriage or divorce.
- Birth or adoption of a child.
- Death of a spouse or child.
- Change in dependent(s) status.
- The loss or gain of benefits for yourself or your eligible dependents.
- On the first day of your return from an Unpaid leave.
- Brevard Public Schools retirement

In addition, **the start of your first day of unpaid LOA (2/20/14) is a qualifying event.** Employees have the option of changing their benefits starting the first day of an unpaid portion of their LOA.

Last day of board paid benefits – 5/9/14. Employees on a FMLA LOA are entitled to 60 days of board paid contributions towards their medical and basic life insurance premiums.

Please contact your leave administrator for the first date of unpaid leave. **All changes to employee benefits due to a qualifying event must be requested on a Benefit Change Form, with proper documentation attached, and submitted to the Office of Employee Benefits within 30 days of the change.**

For more information about your benefits while on leave, go to http://www.edline.net/pages/Brevard_County_Schools/Departments/Departments_K-Z/HumanResources/Leave_of_Absence ----- or talk to the Leave Administrator at your worksite. Please remit all payments and direct all inquiries to:

Brevard County School Board
Office of Employee Benefits
2700 Judge Fran Jamieson Way
Melbourne, Florida 32940-6699

If you have additional questions, please call Maria Perez at 633-1000, ext. 248.

Sincerely,

Susan Standlee

Director, Employee Benefits & Special Programs

Leave Duration Changes—Leave Extensions

Medical

If an employee is out on a Medical Leave of Absence and will not be able to return to work when originally planned, he or she must extend the leave by submitting an updated medical note from a licensed health care provider, which includes the revised date of return to work. The leave specialist will then change the original Leave of Absence form and process the revised expected return-to-work date as a leave extension in accordance with the leave of absence guidelines. The leave specialist will notify Human Resources, the LOA Accounts Receivable Specialist, Payroll, and the appropriate Benefits Specialist of the medical leave extension.

Important Note: An employee who is extending a Leave of Absence can only make a change to health benefits coverage's due to a **qualifying event** which is defined as a **change in family status**. (See [Leave of Absence Qualifying Events](#).)

Personal

An extension of a Personal Leave of Absence requires the approval of the School Principal or Administrator. An e-mail must be sent to the appropriate Leave Specialist stating the approval or denial and the ***“reason for the personal leave extension.”***

20-Day Rule

All leaves of absence are subject to the 20-day rule. The 20-day rule is defined as follows:

- If an employee returns to work and does not work a minimum of 20 workdays and must go back out on leave, this is considered an extension of the original leave and NOT a new leave.
- An employee must work at least 20 workdays between leaves before the second leave is considered a new Leave of Absence.

Leave Duration Changes—Earlier Return

Medical

If an employee's health care provider determines that the employee may return to work at an earlier date than what was originally anticipated, the employee must provide a revised medical note from the licensed health care provider, releasing him or her back to work on the earlier date. In any case, an employee is not allowed to return to work without a note of release from his or her health care provider due to liability reasons. For instructional employees, if another employee was hired on a "Short-Term Contract," the employee on leave cannot return to work until that contract has been fulfilled. In addition, classroom instructional employees must return to work at full duty with no restrictions. If an employee is in a support staff position and is being released back to work with restrictions, the Administrator must approve the return determined by the physical demands cited in the employee's job description.

Personal

If an employee wants to return to work earlier than anticipated and his or her position has not been filled, approval must be obtained from the Principal or Administrator.



Chapter 6. **Returning to Work from a Leave**

Returning to Work from a Leave of Absence

When an employee returns from a Medical leave of absence, a medical release note from the attending **licensed health care provider** is required. The medical release note or return to work statement must include a return to work date and the employee's release status, full duty or with restrictions.

<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>

If the employee is a Classroom Instructor or Instructor's Assistant, the employee must be released to full duty with no restrictions. If the employee is a Non-classroom Instructor or a Support Staff member returning with restrictions, an Administrator or Supervisor will need to review and approve or deny the return. The return to work would be subject to the physical demands of the employee's job description. For employee's returning with restrictions from a workers' compensation leave of absence, approval from risk management is required.

The medical release note must be forwarded to the appropriate **Leave Specialist** at the District office in Melbourne. If the return to work is from a non-medical leave of absence (Personal), the Work Site Contact is required to inform the Leave Specialist of the date of return.

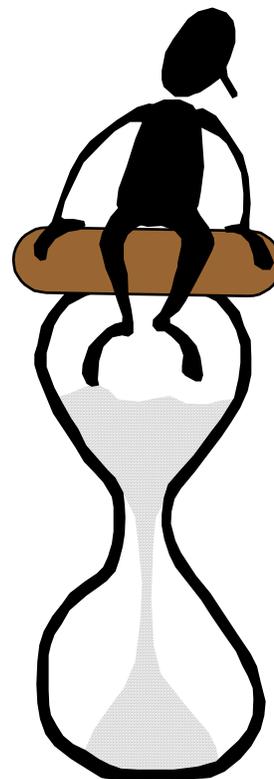
The Leave Specialist will then notify the following:

- Employee's Work Site Contact for confirmation of the employee's return.
- Benefits Specialist.
- HR/Employment Specialist.
- Payroll.
- Leave Accounts Receivable (A/R) Specialist.

The leave A/R Specialist will inform the Benefits Specialist of all premium payments received from the employee while on leave. If benefit premium payments are in arrears, the employee's first payroll check upon their return will be adjusted by past premiums due.

The Work Site Contact should provide a blank **Employee Benefit Change Form** to the employee returning from an **unpaid** leave of absence. The employee's return from an unpaid leave of absence is a **qualifying event** which is defined as a **change in family status**. (See [Leave of Absence Qualifying Events](#).)

The change in family status allows the employee a special open enrollment period during which he or she has 30 days from the first date of return from an **unpaid** leave to make changes to benefits selections. If no changes are desired, "No Changes" should be handwritten across the flex enrollment form and signed by the employee. All Benefit Change Forms are to be submitted to the Office of Employee Benefits, ESF, Melbourne.



LEAVE OF ABSENCE GUIDEBOOK

Purchasing Retirement Credit for a Leave of Absence

Employees continue to earn *creditable service* for any period they are on an approved leave of absence with pay. You will not earn *creditable service* for any period you are on an approved unpaid leave of absence. Receiving pay from a Disability Carrier does not constitute "with pay."

Employees may find it beneficial to purchase this creditable service prior to their retirement, because it could positively affect the amount of their monthly pension benefits once they retire.

Defined Benefit Plan/Pension Plan Members

You may elect to purchase *creditable service* for up to two work years of authorized leaves of absence. You can do this provided you have completed a minimum of six years of creditable service (excluding periods of leave of absence), and you return to active employment with a *Florida Retirement System (FRS)* employer immediately upon termination of your leave of absence and remain on your employer's payroll for at least one calendar month.

Your cost for purchasing this creditable service will be at the retirement fund employer contribution rate in effect immediately prior to your leave. This amount is multiplied by your monthly rate of compensation in effect immediately prior to taking your leave plus 6.5% annual interest from the effective date of the leave until full payment is made. You may pay for the leave any time before retirement, but this service **does not** count toward the years of service you need to be *vested*.

To obtain the cost of purchasing your leave, you must complete both an [FRS-Information Request \(Form FR-9\)](#) and an [FRS-Pension Plan Application to Purchase Retirement Credit for a Leave of Absence \(Form FR-28\)](#). Forward the completed forms with a copy of your leave to the Retirement Benefits Office, ESF, for processing and submission to FRS. After FRS calculates the cost to purchase the service credit for the leave, they will mail the final results to your home address.

Defined Contribution Plan/Investment Plan Members

You **may not** purchase creditable service under the Investment Plan. If you have additional service credit you wish to use towards your retirement, you must purchase such service under the Pension Plan before you become a member of the Investment Plan.

Deferred Retirement Option Program/DROP Members

You **may not** purchase creditable service under the DROP Program. If you have additional service credit you wish to use towards your retirement, you must purchase such service under the Pension Plan before you join the DROP Program.

Additional Information

For specific information about purchasing retirement service credit, you may contact the [BPS Retirement Office Online](#) or by phone at 633-1000 x260.

Chapter 7. **Appendices**

LEAVE OF ABSENCE GUIDEBOOK

Appendix 1: Glossary

Term	Definition
Advanced Study or Education Service Leave of Absence	<p>A leave granted at the discretion of the Board for the purpose of participating in</p> <ul style="list-style-type: none"> • An exchange teaching program for Teachers on Professional Service Contract or Continuing Contract. • A military teaching program such as Department of Defense Schools. • Full-time service in the Peace Corps, Teacher Corps, or Job Corps.
Benefit Plan/Pension Plan	<p>An employer-sponsored retirement plan under which members are promised a lifetime benefit at retirement if they meet certain age and/or service requirements. The benefit amount is based on the member's earnings, length of service, and service accrual value. Promised benefits are pre-funded by contributions made by the employer, employee, or both, plus investment earnings (the FRS Pension Plan is pre-funded by employer contributions only.) All promised benefits to current and future retirees and other eligible beneficiaries are guaranteed under the plan.</p>
Board-Paid Benefit	<p>The portion of the insurance premium that is paid for by the School Board. Board-paid benefits include the Board's portion of the employee's medical and one times the employee's annual salary in life insurance.</p>
Certification Form	<p>A U.S. Department of Labor form which includes a plan of care or an estimate of the period during which care will be provided including a schedule if leave is to be taken intermittently or if it will be necessary for the employee to work less than a full schedule.</p>
Claims	<p>Bills that are submitted to the plan administrator for reimbursement. If the claim is paid, it is now referred to as a "paid claim."</p>
COBRA	<p>The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.</p>
Contribution Plan/ Investment Plan	<p>An employer-sponsored retirement plan under which contributions are made by the employer, employee, or both, to individual member accounts to generate funds for future distribution to the member (the FRS Investment Plan allows employer contributions only). The benefit amount is the sum that accumulates in the member's account, based on contributions made, plus investment earnings, less fees and expenses. Members may have to meet certain age and/or service requirements to receive account accumulations.</p>
Creditable Service	<p>Service for which a member earns retirement credit by receiving compensation for work in a regularly established position with an employer that participates in the FRS.</p>
Dependent Life Insurance	<p>Life insurance issued on the life of an employee's eligible dependent(s).</p>
Direct Payment	<p>Payment made by the employee directly to the insurance carrier (rather than via payroll deduction).</p>
Doctor	<p>A person legally licensed to practice medicine who is neither you nor a member of your family.</p>
DROP	<p>Deferred Retirement Option Program (DROP) - An elective program available for eligible members of the FRS Pension Plan, TRS, and SCOERS who are eligible for normal retirement. Under this program, a member effectively retires and continues</p>

LEAVE OF ABSENCE GUIDEBOOK

Term	Definition
	covered employment for up to 5 years. While in DROP, the member's monthly retirement benefits accumulate, earning interest and annual cost-of living adjustments. When the DROP period concludes, the participant terminates covered employment and begins receiving his/her predetermined monthly retirement benefit, as well as the accrued DROP.
Elimination Period	The number of calendar days at the beginning of a continuous period of disability (for example, long-term, short-term disability) for which no benefits are payable.
Evidence of Insurability	(EOI) Medical information provided proving to the insurance company that the applicant is insurable.
Benefit Change Form	The form an employee fills out to change benefits coverage's. The form is specific to the plan year in which changes are made. http://benefits.brevard.k12.fl.us/HR/benefits%202013%20forward/Forms/Benefit_%20Change_%20Form.pdf
FMLA	Eligible employees receive a total of 12 work weeks of leave during any 12-month period for one or more of the following reasons: <ul style="list-style-type: none"> • The birth and care of the newborn child of the employee; • Placement with the employee of a son or daughter for adoption or foster care; • Care for an immediate family member (spouse, child, or parent) with a serious health condition; or • Medical leave when the employee is unable to work because of a serious health condition.
FRS	Florida Retirement System -- The retirement system established in December 1970 to consolidate the existing pension plans (now closed retirement systems) and provide a retirement, disability, and survivor benefit program for participating state and local government employees. Today, the FRS is a single retirement system consisting of two primary retirement plans and other nonintegrated programs administered under Chapter 121, F.S. The primary plans are a defined benefit plan established under part I and a defined contribution plan established under part II of that chapter. In addition, alternative optional defined contribution programs are available for specified employee groups under part I, including the State University System Optional Retirement Program, the State Community College System Optional Retirement Program, and the Senior Management Service Optional Annuity Program.
Full Course Load	The number of classes, taken at an accredited institution, required by the insurer in order to maintain student status.
HIPAA	The Health Insurance Portability and Accountability Act (HIPAA) provide rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibits discrimination against employees and dependents based on their health status; and allows a special opportunity to enroll in a new plan to individuals in certain circumstances. The law also offers specific protections for personal health information (PHI).
Licensed Health Care Provider	Any professional directly related to the health care of the patient. (for example, Doctor, Nurse, Physician's Assistant, Nurse Practitioner, etc.) For a list of health care providers under FMLA follow this link .
Life Insurance	Insurance providing payment of a stipulated sum to a designated beneficiary upon the death of the insured.
Long-Term Disability Insurance	A policy which provides cash benefits for longer than a short-term policy.
Medical Leave of	Approved when a personal illness or injury occurs that prevents the employee from

LEAVE OF ABSENCE GUIDEBOOK

Term	Definition
Absence	being at work for five days or more as defined by a licensed health care provider.
Military Leave of Absence	Time off for certain types of active or inactive duty required by the Armed Services.
Military Orders	Official document from the U.S. Government defining the period of service, location, etc.
Open Enrollment Period	Period of time an organization allows its employees to select or modify insurance coverage's.
Payroll Deduction	Payments that are deducted from an employee's paycheck vs. direct pay.
Personal Leave of Absence	Time off for adoption/child rearing/paternity, caring for a family member, public service, or for other personal reasons.
SCORES	State and County Officers and Employees' Retirement System- The retirement system established by chapter 122, F.S., closed to new members effective December 1, 1970
Section 125 Plan	A cafeteria plan of benefits under which the IRS allows employees to make premium payments on a pre-tax basis. Once benefits have been elected under a Section 125 Plan, a "Qualified Life Event" must take place before election changes can be made outside of the annual Open Enrollment period.
Short-Term Disability	A policy written to cover disabilities for up to 26-weeks. Note: Disability length is determined by the health care providers.
TRS	TRS-Teachers' Retirement System- The retirement system established by chapter 238, F.S. closed to new members effective December 1, 1970
Vest, Vesting, Vested	These terms refer to meeting the age and/or length-of-service conditions that are required under a retirement plan for a member to qualify for a future benefit from that plan. FRS vesting requirements are described as follows: Under the FRS Pension Plan all members actively employed on July 1, 2001, vest for service retirement upon completing 6-years of creditable service, regardless of membership class. Under the FRS Investment Plan, members become vested for contributions paid on their behalf (plus earnings) after joining the Investment plan by completing one work year in a regularly established position with an FRS employer (which may include service under another FRS plan).
Waiting Period	Period of time that must elapse before benefits begin to be paid.

Appendix 2: Leave Specialist Contact List

To access the online Leave Specialist Contact List, follow this [link](#).

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Appendix 3: Links to Web Information

This document was designed to be viewed online, and as an online document, it contains links to pertinent documents and Web sites that might contain information needed by the reader. When the reader clicks on the links, the referenced page is automatically launched and viewable.

If a reader prints this document rather than viewing it online, they can still access referenced Web sites by typing the links listed below into the search field on their Internet search engine.

Link Contains	Link Address
Brevard Public Schools Web Site	http://benefits.brevard.k12.fl.us
Leave of Absence Home Page	http://benefits.brevard.k12.fl.us/HR/LOA/LOAHome.htm
Military Leave Entitlements	http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf
Leave Specialist Listing	http://benefits.brevard.k12.fl.us/HR/LOA/LEAVECONTACTALPHA.pdf
Department of Labor	http://www.dol.gov/whd/regs/compliance/whdfs28.pdf
FMLA Certification Form	http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm
Intermittent Leave	http://www.dol.gov/whd/regs/compliance/whdfs28.pdf
The Family and Medical Leave Act	http://www.dol.gov/whd/regs/statutes/fmla.htm
Military Family Leave	http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf
Leave of Absence Forms	http://benefits.brevard.k12.fl.us/HR/LOA/LOA%20Forms%20Documents%20&%20FMLA%20Certifications.htm
Benefits Cost Per Pay Period	http://benefits.brevard.k12.fl.us/HR/benefits%202013%20forward/Other%20Info/Benefits%20Cost%20Per%20Pay%20Period.pdf
Benefit Change Form	http://benefits.brevard.k12.fl.us/HR/benefits%202013%20forward/Forms/Benefit%20Change%20Form.pdf
HIPPA FAQ's	http://www.dol.gov/ebsa/faqs/faq_consumer_hipaa.html
FRS Information Request	https://www.rol.frs.state.fl.us/forms/fr-9.pdf

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form	
Retirement Credit (purchasing)	https://www.rol.frs.state.fl.us/forms/fr-28.pdf
BPS Retirement Office	http://benefits.brevard.k12.fl.us/HR/retirement/Retirement.htm

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