

4220-R MEDICAL LEAVE OF ABSENCE

- If temporary disability benefits from Workers' Compensation or private liability insurance amount to less than two-thirds of an employee's regular pay, the employee may use a portion of ~~his/her~~ **their** earned leave **so the employee is compensated in a gross amount equal to two-thirds of an employee's regular pay during an approved medical leave.** ~~to make up the difference.~~ If earned leave is used, gross income from both sources will not exceed two-thirds of normal pay.
- An employee may be placed on a **district** medical leave ~~of absence~~ while receiving short-term ~~or long-term~~ disability pay.
- Available paid leave will include sick leave, vacation, compensatory time, convenience leave and any other similar leave deemed appropriate by the ~~Director of Human Resources~~ **Manager**. For the purposes of this policy, Workers' Compensation, other private liability insurance benefits, **and Short-Term Disability and Long-Term Disability** will not be considered as "paid leave."
- It is understood that the employee will return to work as soon as ~~he/she~~ is able, within the constraints established in this policy.
- An employee who wishes to return from a **district** medical leave ~~of absence~~ will be guaranteed the position(s) ~~he/she~~ **they** held prior to the leave, or a similar position. An employee returning from a medical leave of absence must present a release from their **qualified health care provider** ~~the attending physician or doctor of psychiatry~~ that the employee is capable of performing all the essential functions of ~~his or her~~ **their** original position with or without accommodations. Exceptions to this section are listed below:
 - ❖ The position(s) have been eliminated due to factors unrelated to the employee's medical leave,
 - ❖ Position reductions have left only employees with equal or more seniority in the original and similar positions,
 - ❖ Medical statements indicate the employee is not fully capable of performing the essential functions of the position ~~he/she~~ **they** left, with or without accommodations, or
 - ❖ Light duty assignments with the approval of the ~~Director of Human Resources~~ **Manager and a qualified healthcare provider, and Worker's Compensation if applicable.** ~~the attending physicians.~~
- "Similar positions" for certified positions will be the same certification as the original position and classified positions will be within the employee's original job schedule (i.e., maintenance, food service, transportation, secretarial, etc.). Exceptions to this may be made if the employee is unable to perform the essential functions of any position within ~~his/her~~ **their** certification or job schedule.
- An employee released by ~~his/her~~ **their qualified healthcare provider** ~~physician~~ who rejects an offer of the original position, a similar position or another position of equal or better classification for which ~~he/she is~~ **they are** qualified, will forfeit any further rights as an on-leave employee as described in the policy and may be terminated by the Board of Trustees.

- An employee on medical leave of absence will not accrue employee benefits during the period of the leave. However, ~~he/she~~ **they** will retain all benefits accrued prior to commencement of the leave. If the employee does not return to work, accrued benefits will be dealt with according to appropriate Board policy.
- An employee who is on a medical leave of absence who is covered by District health insurance will be responsible for paying the full premium.
- An employee will not accrue service credit (for advancement on the salary schedule) ~~or toward early retirement~~ for any year in which the employee receives compensation for fewer than 50% of the assigned work days.

ADOPTION DATE: March 27, 1995; **Major revisions April 11, 2023**

LEGAL REFERENCE(S):

CROSS REFERENCE(S): 4208, 4208-R, 4218, 4218-R, 4220, 4229, 4229-R, **4205, 4200, 4240, 4216**

ADMINISTRATIVE REGULATION: