

Board of Education High Point Regional

SUPPORT STAFF MEMBERS

ANTICIPATED DISABILITY

Any nonteaching employee who anticipates undergoing a state of disability as a result of pregnancy may apply for a leave of absence based upon said anticipated disability in accordance with the provisions hereinafter set forth, in which instance such leave of absence shall be chargeable to the sick leave account of said employee.

A. Request for Leave Based on Claim of Anticipated Disability

1. Any employee who desires to continue in the performance of her duties during a period of pregnancy expected to lead to a state of disability shall be permitted to do so provided said employee produces a statement of her physician stating that said employee is physically capable of continuing to perform her duties and further stating up to what date, in the opinion of said physician, the employee is capable of performing said duties.

2. In the event the physician of an employee who anticipates a state of disability shall be of the opinion that said employee is capable of performing her duties up to a specified date but the medical inspector of the Board of Education shall be of a contrary opinion, then the employee and the Board shall mutually agree upon the appointment of a third physician whose medical opinion shall be conclusive and binding on the issue of medical capacity to continue in the performance of duties. In the event of the inability of the employee and the Board to agree upon the appointment of a third physician, such appointment shall be made by the County Medical Society. The expense of any examination by an impartial third physician shall be shared equally by the employee and the Board.

3. In no event shall the Board be obligated to permit an employee anticipating a state of disability to continue in the performance of her duties

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where the performance of said employee has substantially declined from that performance demonstrated by said employee at the time immediately prior to the time when notification was given of the state of anticipated disability.

4. All policies, practices, rules and regulations applicable to employees who are granted sick leave shall be applicable to all employees applying for leave under Section A of this policy. Such employees shall receive no lesser consideration than any other employees nor shall they receive any greater consideration.

5. The employee requesting a leave under these provisions shall specify in writing the date on which she wishes to commence said leave and the date on which she wishes to return to employment following recovery from said disability. Such requests shall be consistent with the foregoing provisions.

6. The Board shall have the right to require any employee who has been on a disability leave and who desires to return to her duties by a fixed date following recovery from disability to produce a certificate from her physician stating that she is capable of resuming her duties. In the event of a difference of opinion between the employee's physician and the Medical Examiner of the Board relative to the resumption of duties by said employee, the provisions of Paragraph A(2) shall be applicable as to the method of resolving such disagreement.

7. Whenever, in the opinion of the Board, the dates for the commencement of an anticipated disability leave and/or the dates for the resumption of duties would substantially interfere with the administration of the school, the requested dates may be changed by the Board.

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8. Ordinarily, an employee who has undergone hospital confinement shall be expected to resume her duties, subject to the provisions of Paragraph A(7) above, within fifteen (15) days of the date of discharge from the hospital, provided, however, that such resumption of duties is not medically contraindicated.

9. Where disability leaves have been approved, the commencement or termination dates thereof may be further extended or reduced for medical reasons upon application by the employee to the Board. Such extensions or reductions shall be granted by the Board for additional reasonable periods of time provided, however, that the Board may alter the requested dates upon a finding that such extension or reduction would substantially interfere with the administration of the school and, provided further, that such change by the Board is not medically contraindicated. All extensions of such leaves shall in any event be subject to the provisions of statute.

10. The provisions of this policy shall not be deemed to impose on the Board any obligation to grant or extend a leave of absence to any non-tenured employee beyond the end of the contract school year in which the leave is obtained.

11. Pregnant employees applying for a leave of absence under the provisions of this section may simultaneously make application for a Child Rearing Leave in accordance with the provisions of Paragraph C hereinafter set forth.

B. Requests for Leaves Not Based on Onset of Claims of Disability

1. An employee who desires to commence a leave of absence without regard to the onset of any claim of disability as set forth in Section A, ante, shall

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be permitted to do so in accordance with the provisions hereinafter set forth, but such leaves of absence, shall be without pay.

2. Employees requesting a leave under the provisions of this Section B prior to the actual onset of a state of disability shall specify in writing the date on which she wishes to commence said leave and the date on which she wishes to return to employment after the termination of the disability.

3. Should there be any question as to the medical condition of any employee who desires to resume her duties by a specified date, then the provisions of Paragraphs (2) and (6) of Section A of this policy shall be applicable.

4. The provisions of Paragraphs A(3), (7), (9), (10) and (11) are hereby made applicable to the provisions of this Section B of this policy and are incorporated herein by reference as though set forth at length.

C. Child Rearing Leave

1. In the case of a birth of a child any employee shall have the right to apply for a leave without pay for child rearing purposes.

2. In cases where both husband and wife may be employees in this school system, only one of said persons shall be entitled to such leave.

3. The application for child rearing leave may be made to become effective immediately upon the termination of a pregnancy leave.

4. Child rearing leave may be granted for a period of up to the end of the school year in which the birth of the child occurs, but such leave may, at the option of the Board and upon the request of the employee, be extended for one additional school year.

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Requests for extensions of such leave must be made at least three (3) months prior to the expiration of the first period thereof.

5. Where the birth of a child is anticipated during the first month of a school year and a child rearing leave is to be requested, the child rearing leave must commence at the start of the school year.

6. Where a child rearing leave is requested, the employee requesting such leave may not be permitted to return to the school system following such leave during the last month of the school year.

7. Applications for child rearing leave shall be filed at least three (3) months before the anticipated birth of the child.

8. Where an employee who has been granted a child rearing leave returns to the system at any time other than the start of the school year, such employee may be assigned to any position decided upon by the Superintendent so long as such assignment is within the job description of such employee.

9. Anything to the contrary, notwithstanding a child rearing leave granted to a non-tenure employee need not be extended beyond the end of the contract school year in which the leave is obtained.

10. The dates for the commencement and termination of child rearing leaves shall in all cases be subject to and based upon a finding and determination by the Board that such leaves will not substantially interfere with the administration of the school or with the education of the pupils.

Reference: 18A:16-4, 30-1 et seq

Date Adopted: 8/30/65

Date Revised: 1/19/76, 3/18/91