

Board Policy

Code No. 403.7R1

PERSONAL ILLNESS/DISABILITY LEAVE **Disability Leave: Long Term Leave of Absence without Pay**

Determination of an employee's eligibility for an extended long-term leave of absence without pay will be made at the time of an employee's request and in accordance with established policy and/or approved collective bargaining agreements. The employee's request for unpaid leave must be made when all appropriate leave has been exhausted and long-term disability eligibility has not been determined. The Family Medical Leave Act (FMLA) may be applicable under certain situations for paid sick leave initially, followed by unpaid leaves of up to twelve weeks in duration.

Disability means the physical or mental condition of a person which constitutes or constituted a substantial handicap. In reference to employment, under this administrative rule, "disability" also means the physical or mental condition of a person which constitutes or constituted a substantial handicap, but is unrelated to such person's ability to engage in a particular occupation.

The Supreme Court recognizes a disability under the above definition as protected when the disability does not prevent the individual from performing the job in a reasonably competent and satisfactory manner. However, a disability may have some effect on an individual's job performance and nevertheless be protected. The employer is required to make reasonable accommodation for the condition.

When an employee is determined to be eligible for Long Term Disability, the extent of their disability may necessitate a request for continuation of an unpaid leave of absence for more than twelve (12) consecutive months. The Bettendorf Community School District limits the length of time for unpaid leaves of absence to a period not to exceed twenty four (24) consecutive months, or if the leave begins prior to the conclusion of a school term, then twenty four (24) consecutive months following the last day of the school year in which the unpaid leave was initiated.

The District and individual covered by Long Term Disability must comply with established District procedures and policies regarding return to employment.

Cross Reference: 409.3 Employee and Family Medical Leave

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