

## Frequently Asked Questions - Leaves of Absence

### *Sabbatical Leave*

- Q. What are the eligibility requirements for a sabbatical for a teacher?
- A. Seven years of appointed service are required for a six (6) month sabbatical. Fourteen (14) years of appointed service are required for a one (1) year sabbaticals. You may count up to three (3) years of substitute service to add up to the 14 year requirement for a one year sabbatical only.
- Q. Where can I obtain a sabbatical application?
- A. You may download a copy of the OP 8 Application for Sabbatical Leave of Absence from the Leaves Section of the DHR Forms website at <http://schools.nyc.gov/DHRForms>. Copies of the application can also be obtained from your school or Children's First Network (CFN).
- Q. Where should I submit my sabbatical application and what happens next?
- A. Submit your OP 8 Sabbatical Application to your principal for approval. The application will be forwarded to the Community Superintendent for signature. It will then be forwarded to the Leaves Administration Office for review to determine eligibility. If your sabbatical application is for health reasons you will also need to submit an OP407.
- Q. I want to request a waiver to work while on a study sabbatical. How can I do that?
- A. You must submit a request letter to the Leaves Administration Office and include proof of having worked in that position for the last three (3) years.
- Q. When I return to work from a sabbatical, how much time must I serve?
- A. After completing a one (1) year sabbatical, you are required to serve for two (2) years. After completing a six (6) month sabbatical, you are required to serve for one (1) year.
- Q. How do I apply for a waiver not to return to work after a medical sabbatical?
- A. You must submit a letter of request to the Manager of the Medical Administration and include supporting medical documentation.
- Q. I am a teacher. What percentage of my salary will I receive while I am on a sabbatical?
- A. You will receive 60% of your salary for a medical sabbatical. You will receive 70% of your salary for a study sabbatical.

- Q. Who/What determines what coursework I can take for a study sabbatical?
- A. Your Community Superintendent is responsible for approving your sabbatical coursework. The criteria are based on your coursework being job related and substantially rigorous. However, final determination of application is not complete until administrative review of eligibility is completed by the Leaves Administration Office.

### **Maternity/Child Care/Restoration of Health Leaves**

- Q. What is a grace period?
- A. A grace period of up to 30 days is available to a regularly appointed UFT pedagogical employee who has exhausted their CAR balance. A grace period allows the employee to remain on payroll at a prorated rate in lieu of their regular salary.
- Q. How long can a teacher be granted a leave for child care?
- A. A child care leave can be granted for up to the August following the child's fourth birthday.
- Q. Can an employee use their CAR days while on child care leave?
- A. No.
- Q. Can a teacher request to go on a leave without pay (LWOP) for Restoration of Health even if they have unused CAR days in their bank?
- A. No. If a teacher is ill, they must exhaust their CAR prior to going on a leave without pay for Restoration of Health. **Form OP160 is located in the Leaves section of DHR Forms, <http://schools.nyc.gov/DHRForms>**
- Q. Can a teacher who is ill and has exhausted their CAR go directly on a grace period, or must they first borrow 20 days?
- A. Teachers are not required to borrow days prior to a grace period; they have the option to borrow days. Teachers have the option to borrow CAR with approval from their principal and then go on a grace period (OP198 Part 1 & 2 Forms). However, teachers cannot borrow days following a grace period. **Form OP198 Part 1& Part 2 is located in the Leaves section of DHR Forms, <http://schools.nyc.gov/DHRForms>.**
- Q. Can a UFT Paraprofessional borrow and/or take a grace period?
- A. A paraprofessional can only borrow up to 10 days. UFT Paraprofessionals are not eligible for a grace period. **UFT Educational Paraprofessional – Borrowing Sick Days Application form is located in the Leaves section of DHR Forms, <http://schools.nyc.gov/DHRForms>.**

### FMLA

- Q. I am a teacher and I am having knee surgery. It's possible I will be out from work for 25 days. I want to use my CAR days, but I do not want to go on FMLA. My concern is that if I take a FMLA leave my seniority will be affected because of my absences. Can I use my CAR days or must I take a paid FMLA leave?
- A. The CAR days that you use will be counted against your FMLA entitlement in a rolling twelve month period. It will not, however, affect your seniority. You have to complete an OP198 to record your CAR usage. **Form OP198 is located in the Leaves section of DHR Forms <http://schools.nyc.gov/DHRForms>.** You then submit the form along with supporting documentation from your treating physician to the Leaves Administration Office.
- Q. I am a teacher. I need to take time off to care for my parent, who is ill, but not necessarily consecutive absences. What can I do?
- A. A leave of absence to care for a sick family member is an unpaid FMLA-qualifying leave of absence. Therefore, obtain the FMLA form and indicate that you wish to use it intermittently and bring it to your family member's doctor to be filled out. **FMLA Application Form is located in the Leaves section of DHR Forms <http://schools.nyc.gov/DHRForms>.** You will be entitled to take three (3) Personal Days to care for your parent; after the third day, each day of absence would be entered as an "Absence Without Pay." The FMLA form must be approved by your principal and will remain in your file at the school.
- Q. I work as a school aide but I am sick and want to take a FMLA leave for personal illness. Unfortunately, I only have a few hours of sick time in my bank. What can I do?
- A. A school aide who meets the minimum service requirement for eligibility may be granted a leave of absence for personal illness after exhausting their sick leave balance. School aides are not entitled to FMLA unless they have worked 1,250 hours in the prior 12 months.

### Line of Duty Injury- LODI

- Q. What is a LODI?
- A. A LODI (line of duty) is any accident or incident which occurs while on duty.
- Q. Who is eligible to claim LODI?
- A. Line of duty applies to a licensed pedagogue; and, in the case of assault, to UFT educational paraprofessionals and DC37 paraprofessionals and school aides.
- Q. Can a teacher claim absences in 2008 as LODI for an injury she had in 2005?
- A. Yes it can be a Reoccurrence or Continuation of the original accident. A new OP 198 Form must be completed. **Form OP198 Part 1 & 2 is located in the Leaves section of DHR Forms <http://schools.nyc.gov/DHRForms>.** A copy of the original approved, signed accident report from 2005 must be attached to the OP198.

- Q. If a paraprofessional, school aide, or administrative employee has an accident on the job, what is it considered?
- A. It is covered by Worker's Compensation. *(For Workers' Compensation forms, see <http://schools.nyc.gov/Offices/EnterpriseOperations/ChiefFinancialOfficer/DFSBO/BusinessAdministration/WorkersCompensation/Default.htm>)*

**Other**

- Q. How do I inquire about the status of my leave of absence application?
- A. You can contact HR Connect at (718) 935-4000.
- Q. Is a principal entitled to take a grace period?
- A. A CSA principal/supervisor is not entitled to take a grace period.
- Q. How many grace periods is an appointed teacher-line employee eligible for?
- A. One grace period of up to 30 days per school year.
- Q. Can both spouses and domestic partners who work for NYC DOE take child care leaves at the same time?
- A. No, they cannot take a child care leave at the same time.
- Q. Are substitute teachers entitled to a grace period?
- A. No, only regularly appointed teacher-line employees are entitled to a grace period.
- Q. I am a teacher on an approved grace period. What are my options after the grace period ends?
- A. You must either return to service or take a leave without pay for restoration of health.
- Q. If a teacher takes a maternity leave, will it affect their summer pay?
- A. As long as the employee does not go off payroll (LWOP) their summer pay will not be affected. If a teacher takes a maternity LWOP their summer pay will be pro-rated.

## For more information...

Contact HR Connect

- Phone: (718) 935-4000
- Fax: (718) 935-4350

Visit the DHR website

<http://schools.nyc.gov/Offices/DHR>

<http://schools.nyc.gov/DHRforms>

<http://schools.nyc.gov/Offices/DHR/HealthBenefitsLeavesAbsenceSafety/Leaves+of+Absence.htm>