

Leave Information (types, procedures)

Leave of Absence Without Pay

A Leave of Absence Without Pay is the means by which a pedagogue who needs to be absent from work for an extended period of time is accommodated. All leaves without pay originate in the school and must be approved or disapproved by the superintendent, except for a leave for restoration of health which must be approved or disapproved by the Medical Bureau.

The principal may approve up to 2 consecutive days of absence without pay as a result of discussion with the teacher concerned for any of the reasons indicated on the form OP198. The data may be entered directly on the School Record of Teacher's Absence. Absence of longer than 2 consecutive days requires an Application for Absence Without Pay to be approved by the principal and the responsible superintendent.

Employees represented by the United Federation of Teachers (UFT) are entitled to a leave of absence without pay for study, adjustment of personal affairs, military service, maternity, childcare or restoration of health. An individual requesting a leave of absence without pay must complete the Leave of Absence Without Pay OP 160 Form (see bottom of page). Paras complete a different form (see bottom of page).

Regular appointed employees and regular substitutes may be entitled to twelve (12) weeks of Family Leave which is governed by the Family Medical Leave Act (FMLA). Employees are required to have been in active status for one (1) year before being eligible. This leave may be with or without pay depending on the type of leave and the number of days in your CAR. It entitles the employee to twelve (12) weeks of health insurance as well.

If medically certified by an MLB doctor, an unpaid leave for restoration of health may be obtained by filing an OP 160 and OP 407. (See bottom of page)

For any absence without pay exceeding one calendar month, the staff member must apply for a leave of absence without pay. Except when the nature of the leave so indicates, teachers and other pedagogues are prohibited from engaging in full time employment during a leave without pay. An individual on a leave without pay may perform occasional per diem service (no more than four days per week) when that is

consistent with the purpose of the leave (for example, during leave for educational study)

Types of Leaves Without Pay

* Acceptance of a Supervisory or Teaching Position at CUNY or SUNY: A letter from an official of the college is required. Salary and pension credit may be granted.

* Performance of Teacher Training for a Private College or University in the NYC area under a Foundation Grant: A letter from an official of the sponsoring institution is required. The letter must indicate the capacity in which the teacher will serve and must state that her/his service is part of teacher training. Pension credit may be granted.

* Acceptance of a Supervisory or Teaching Position in a Foreign Country Sponsored or Approved by the U.S. Government: A letter is required from both an official at the school or institution and from the U.S. Government Agency indicating sponsorship and approval. Pension credit may be granted.

* Acceptance of a Supervisory or Teaching Position in Armed Forces Dependents Schools Abroad: A copy of military orders is required. Salary and pension credit may be granted

* Service in the Peace Corp: A copy of orders from the Peace Corps is required. Salary and pension credit may be granted.

* Service in Volunteers in Service to America (VISTA): A copy of the letter from the agency is required. No credit is granted.

* Service in a Federal Urban Project in NYC: A copy of the letter from agency is required. Pension credit may be granted.

* Service in an Official Capacity for New York City, New York State or a City or State Subdivision: A copy of the letter from the agency is required. Salary and pension credit may be granted.

* Performance of Legitimate Duties as an Office or Staff Member of a Recognized Union: Leaves are granted within numerical limits established by each collective agreement. A letter from the union is required. Salary and pension credit may be granted.

* Work with the United Federation of Teachers (UFT): Leave is granted to work with the UFT pursuant to its agreement with the Department of Education. Salary and pension credit may be granted.

* Adjustment of Personal Affairs: Leave may be granted to settle the closure of a family business on the death or incapacitation of the family member in charge. A letter is required which gives a detailed outline of the situation requiring the teacher's full time attention for which no other person is available. No salary or pension credit is granted.

* Maternity and Child Care: A leave can be granted up to four years depending on the initial date granted. An extension of one additional year beyond the four years may be applied for. A physician's certification on application form OP160 is required for maternity leave. A copy of a child's birth certificate is required for a child care leave. No salary or pension credit is granted. Full time paid employment during leave to care for a child or sick relative is prohibited.

* Care of Adopted Child: A leave can be granted until the child is four years of age. An extension of one additional year beyond may be applied for. A copy of adoption papers is required. No salary or pension credit is granted. Full time paid employment during leave to care for a child or sick relative is prohibited.

* Care of Sick Member of Family: The duration of this type of leave is determined by a medical evaluation of the sick individual via a physician's statement on application form OP160. No salary or pension credit is granted. Full time paid employment during leave to care for a child or sick relative is prohibited.

* Restoration of Health: A leave for restoration of health may be granted after all CAR days have been used and the grace period has been reached. (Note: A teacher may borrow days or may choose not to borrow days.) The duration of a leave for restoration of health is determined by medical evaluation of the individual. A physician's statement must be submitted on the Confidential Medical Report form OP407. Service credit for retirement purposes may be recommended. An employee may not engage in any employment during a leave for restoration of health without the express approval of the Division of Human Resources' Medical Director indicating that such employment is continued unfitness for pedagogical service. This also included maternity. No employee absent because of illness may go to any place remote from his/her home in the New York City metropolitan area without prior approval of the Medical Director. [Click here](#) for additional information on Restoration of Health Leaves/Long Term Absence.

* Study or Educational Grant: The study or educational grant must be related to the individual's license field or must meet eligibility requirements for a license other than that held by the individual. A letter is required from either a registrar indicating enrollment in a minimum of eight credits per semester or the equivalent or from the sponsor of a grant indicating the nature of study under the grant. Pension credit may be granted.

* Military Leave: The first 30 days of military service in the armed forces of the United States is granted with pay. For military service in excess of thirty days, special application on form OP160 must be made and accompanied by a certified copy of military orders. If an individual is commissioned, a certified statement showing the date of acceptance of commission is also required. By law, personnel on military leave receive all benefits as if they were continuing in active school service. Salary and pension credit are mandatory and automatic. If an individual is still in the probationary period when called to military service, this service is credited toward completion of probation. Sick days are credited to the individual's CAR. If a pedagogue wishes to accompany a spouse who has been called to military service, a certified copy of the individual in the military is required. When a spouse is already serving in the military, a letter from his/her commanding officer is required.

Filing Procedures:

To request a leave without pay, an individual submits a completed Application for Leave Without Pay (OP 160) to the school principal who reviews the application, verifies the validity of the information contained in the application, and indicates her/his approval or disapproval. The principal forwards the application to the Personnel Manager.

If an applicant is requesting a leave for restoration of her/his own health, a separate Confidential Medical Report (OP407) must be submitted and a medical evaluation is required. If an applicant is requesting a leave to care for a family member, documentation of the medical condition of the family member must be provided by that person's physician. The Medical Bureau of the Division of Human Resources must approve

a request for a medical leave before the request can be processed.

Notice of Defective Application, Approval or Disapproval

If an application is incomplete or incorrectly submitted, the applicant will be sent a Notice of Defective Application for Leave of Absence letter.

An applicant who is approved for a Leave of Absence without pay is notified on a Notice of Grant of Leave of Absence Without Pay (OP 218). The denial of a leave is communicated by letter.

Status While On Leave

A Leave of Absence Without Pay is considered "Inactive Service". Salary credit and pension credit are not granted except as recommended for specific leaves such as a leave without pay to serve in the Peace Corps.

Per Diem Service While On Leave

A teacher may apply for a Per Diem position and perform service as a per diem substitute teacher for up to four days per week while on a Leave of Absence Without Pay, with the exception that individuals who are on a leave of absence without pay for Restoration of Health are prohibited from per diem service.

Extensions, Withdrawals, and Terminations of Leaves of Absence Without Pay

A request to extend a leave is made in the same manner as the original application and must be documented in the same manner. If the extension is for medical reasons, appropriate medical documentation must accompany the request. The principal and the Personnel Manager must take into consideration how the extension will effect the employee's work location.

Requests to withdraw or terminate a Leave of Absence Without Pay must be done in writing and with sufficient reason for the action. The request must be submitted at least 15 business days prior to the initial commencement date of the leave or the original requested termination date of the leave.

Terminal Leave

A Retirement Leave of Absence (commonly called Terminal Leave) is a leave of up to one full term with full pay granted to a regularly appointed member of the staff based on half of unused sick leave and in the expectation that the employee will retire at the conclusion of the leave. In accordance with law, the Division of Human Resources grants retirement leaves of absence.

Eligibility

To be eligible for terminal leave (retirement leave of absence), an individual must be:

- * Regularly appointed and
- * A member of the New York City Teachers' Retirement System and
- * Eligible for service retirement at the conclusion of the leave and
- * Possess an accumulated reserve of unused sick leave Entitlement and Duration of Leave

Terminal leave (retirement leave of absence) is granted on the basis of one half of the accumulated unused sick leave up to a maximum of one school term. School term refers to either the Fall (September- from the first date on which applicant would have reported to duty- through the last school day of January) or Spring (February- from the first school day of the term- through the last school day of June) division of the school year.

Maternity

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA) for Restoration of Health
Eligibility	Generally speaking, you'll have greater benefits with a leave of absence for restoration of health. See child care chart for FMLA eligibility.	All appointed pedagogues. Commences any time during pregnancy and extends through 6 weeks after birth of child (8 weeks with caesarean if approved by DOE Medical Bureau).
Health Benefits	Up to 12 weeks	4 months SLOAC. You must exhaust CAR prior to taking a leave for restoration of health. When your baby is born file ERB form and Welfare Fund Change of Status Form with birth certificate to cover your child.
Disability Benefits (Welfare Fund)	Maximum 28 weeks (maternity - 6 weeks caesarian - 8 weeks)	Eligibility begins following 28 days off payroll. Grace period can serve as waiting period for regulars. Benefit is paid through 6 weeks (8 weeks for C-section) after birth of child. CAR must be exhausted
Forms	Dept. of Education: FMLA Welfare Fund: DBL-1	Dept. of Education: OP 160 (Leave), OP 198 (CAR/Grace), Medical documentation (OP 407), EB 1054 (Secretary files) Welfare Fund: DBL-1
Notes	FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months.	

Child Care (Following birth, adoption or foster care)

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences (need not be consecutive). Can only be taken within 1 year of birth or placement of the child.	All appointed pedagogues.
Health Benefits	Up to 12 weeks. Maternity leave expires 6 weeks after birth.	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA
Forms	Dept. of Education: FMLA, Proof of birth, adoption, or foster care, EB 1054 (Secretary files) Welfare Fund: NA	Dept. of Education: OP 160 (Leave) with copy of birth certificate, COBRA Welfare Fund: NA
Notes	FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for child care.	

Care of Sick Family Members

Regularly Appointed Pedagogues

	Family & Medical Leave Act (FMLA)	Leaves of Absence (LOA)
Eligibility	Full-time employee for at least 12 months prior to date leave commences.	All appointed pedagogues. Up to a year for care of sick family member. Contract says can apply for an extension of one year.
Health Benefits	Up to 12 weeks	NA, but can purchase COBRA.
Disability Benefits (Welfare Fund)	NA	NA
Forms	Dept. of Education: FMLA, Medical Documentation, EB 1054 (Secretary files) Welfare Fund: NA	Dept. of Education: OP 160 (Leave), COBRA, Medical documentation Welfare Fund: NA
Notes	FMLA leave to care for an ill family member may be taken intermittently. FMLA eligibility is reduced by all paid and/or unpaid leave within the previous 12 months. CAR cannot be used for this purpose.	CAR cannot be used for this purpose.