



## Employment for New Teacher with Medical Leave

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### Question:

A teacher has a contract for the upcoming school year, but has not started and is unable to begin (long-term illness). Since the contract hasn't started and the teacher is unable to fulfill the terms of the contract, is it still a valid contract or void?

### Answer:

As the contract was signed with the intention of both parties to employ the individual, the contract is valid. Now, the issue does arise as to what is to be done with this individual. You need to start with your leave of absence policies to see if there is anything that covers this situation. Certainly this teacher will be able to take his/her sick leave days and possibly personal leave days, depending upon how that is written in your district. From there, even under any applicable leave policy, the teacher is likely going to be without pay. The next question is whether or not the teacher is going to be able to return at some point in time during the year. Your question indicates that the teacher is unable to begin due to long term illness. A discussion needs to occur with this individual about the sick leave and other leave options. If he/she is going to take leave, you need a medical note (likely provided for in the policy) as well as a statement as to when this individual is expected to be able to return. If the person can return at some point in time during the school year, you are going to need to find a way to accommodate that return. If not, the teacher is going to simply be on leave for the year and there won't be pay other than the sick leave. In this situation, you also need to take a look at the possible qualification of FMLA. I don't know if this is a previously employed individual or a new employed individual but that analysis does need to occur.

contact us with your question:



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