

## Just Ask Liz

Dear Liz:

What is the specific requirement for doctor's notes? My supervisor requires a note automatically if you must three days. Is that correct?

Liz's Wisdom:

Both the certificated and noncertificated negotiated agreements share the following language.

*The Superintendent or designee may require a doctor's certificate of illness or a letter of explanation from the employee if a doctor was not in attendance **whenever there is reason to believe that an absence is not due to a bona fide illness.***

Neither agreement allows or requires for a note based on days of leave. Here are the key points.

- The impetus for requiring a doctor's certificate or letter of explanation is suspicion that an employee is abusing sick leave. If asked for a doctor's note, then I recommend employees respond with, "Is there suspicion that my absence is not due to a bona fide illness? If so, what is the basis for the suspicion?"
- If there is legitimate suspicion that an absence is not due to a bona fide absence, then the employee must submit EITHER a doctor's certificate of illness OR a letter of explanation, which the employee can write. There are occasions when one is ill and there is no need to see a physician.
- Additionally, if there is legitimate suspicion that an absence is not due to a bona fide absence, then I recommend that the member contact me for assistance so that I can ensure that there is due process, that the concerns are cleared, and that the employee's personal records are clean, if appropriate.
- While there is no note required based on days of illness, once an employee exceeds five sick leave days for the same condition, the school system will require Family and Medical Leave Act (FMLA) documentation in order to protect the employee's existing assignment until they are approved to return to work, assuming that the employee meets FMLA requirements.

The moral of the story is that your use of three consecutive sick leave days does NOT kick in a requirement for a doctor's note. Your best bet if you find yourself in this predicament is to reach out to EASMC for support and advice since the devil's always in the details!