

## **GCCBC – FAMILY & MEDICAL LEAVE ACT**

Category Recommended: While these policies are not required by law, they are highly recommended for effective school board operations.

Consistent with the Federal Family & Medical Leave Act of 1993, the Winchester School District recognizes that eligible employees have access to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. The intent of this policy is to summarize the Act as it applies to eligible employees of the Winchester School District. Employees should consult regulations that implement the Act for more specific definitions and criteria for use. It is not the intent of this Policy to provide additional or different provisions than those specified in the Act and its implementing regulations.

To be eligible for Family or Medical Leave, an employee must have been employed for at least twelve (12) months, have worked at least 900 (average 17.5 hours per week for full year employees, and 25.75 for school year employees) during the prior twelve months and be employed at a work-site where at least fifty (50) employees are employed by the Winchester School District within a 75-mile radius of that work-site.

FMLA leave shall be provided when a son or daughter is born to the employee or when one is placed with the employee for adoption or foster care. The Employee is eligible for twelve (12) weeks of unpaid leave. The employee is able to use thirty (30) days of paid leave, if available for the birth, adoption or foster placement of a child. The remaining six (6) weeks will be unpaid leave. Medical leave shall be provided for the serious health condition of the employee, or in order for the employee to take care of a spouse, child, or parent who has a serious health condition rendering him/her unable to perform the functions of his/her job.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal, or family leave for purposes of family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Winchester, or his/her designee, may reassign an employee to a different grade level, building, or other assignment, consistent with the employee's certification and professional staff.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning the enforcement of the Act.

The use of this policy is also directed to the applicable provisions of any Collective Bargaining Agreements in the district.

Per the Teacher's Association in the event of a long-term illness the Teacher may apply for thirty (30) days additional leave days from the sick bank. Should the teacher still be disabled after this time, he/she may request an additional thirty (30) days leave for a total of sixty (60) days from the sick bank. Coverage by the sick bank may not be used for the immediate family. The teacher shall also be allowed to use up to six (6) days to attend to a member of the teacher's immediate family. Immediate family is defined as spouse, parent, parent-in-law, or stepparent, child or stepchild or grandparent.

Per the Support Staff Association, the employee may use sick leave for personal illness of an employee or immediate family member (spouse, partner, parent, parent-in-law or stepparent, child, or stepchild, grandparent or grandchild). Vacation days may also be used by Calendar year employees if available.

Employees returning from medical leave must provide a fitness for duty certification indicating that they can return to work and perform the essential functions of their position.

## **HEALTH INSURANCE**

FMLA provides the employee maintain their group health benefits during the twelve (12) weeks of unpaid leave. When the twelve (12) week period is exhausted and the employee does not return the employee will be offered COBRA benefits at their expense.

## **LONG TERM DISABILITY (LTD)**

LTD is a benefit available to Administration and Teachers. The employee must wait 120 calendar days from the qualifying event to apply. Benefits include 70% salary payable to age 65 with a maximum benefit of up to \$6,000 per month. This benefit is paid directly to the employee. Once LTD is reached if the employee still has outstanding leave time, the employee may decide to prorate pay at 30% until leave time is exhausted.

## **FMLA INELIGIBILITY**

Employees not eligible for FMLA may use up to 6 weeks (30 days) of unpaid leave with prior approval by the Superintendent. The employee's position will be held for 6 weeks (30 days). If the employee has vacation or sick leave a request may be made to use these days during their leave.

Legal Reference: 29 U.S.C. section 2611, et seq. Family/Medical Leave Act of 1993 (Pub. L. 103-3) RSA 189:73

Family/Medical Leave Coverage

Revised: 11/1999, 6/2004, 11/2004, 8/2006, 6/2009

Adopted by WSB 12/16/1993

1<sup>st</sup> Read 10/3/09, Approval 11/21/13

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