

SOUTHEASTERN GREENE SCHOOL DISTRICT

SECTION: SUPPORT EMPLOYEES
 TITLE: FAMILY AND MEDICAL LEAVES
 ADOPTED:
 REVISED:

535. FAMILY AND MEDICAL LEAVES	
1. Purpose 29 U.S.C. Sec. 2601 et seq	The purpose of this policy is to provide support employees eligible for a leave of absence under the provisions of the Family and Medical Leave Act of 1993 (FMLA) to take such unpaid leave up to a total of twelve (12) weeks per year for the reasons set forth in this policy .
2. Definitions	<p>A serious health condition shall include an illness, injury, impairment, or physical or mental condition that involves:</p> <ol style="list-style-type: none"> 1. Inpatient care in a hospital, hospice, or residential medical care facility. 2. Continuing treatment by a health care provider. <p>Child shall include a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing <i>in loco parentis</i> (i.e., someone who had day-to-day responsibility for caring for the child). The child must be under eighteen (18) years of age, or eighteen (18) or over and incapable of self-care due to a disability.</p> <p>Parent shall include biological parents and anyone who stood <i>in loco parentis</i> to the employee as a child. It does not include parent-in-law.</p>
3. Delegation of Responsibility	The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district’s compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, they must adhere to the basic principles of law.
4. Guidelines	<p>Required notices shall be posted by the district.</p> <p>Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.</p>

All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.

A leave of absence may be taken by an eligible employee for up to twelve (12) weeks during each twelve-month period beginning from the date of the employee's first FMLA leave. Such leave shall be unpaid except as otherwise provided in **Board policy**.

In order to be eligible for such leave, an employee must have been employed by the district for at least twelve (12) months and for at least 1,250 hours during the prior twelve-month period. Workdays during which the employee was on leave, whether paid or unpaid (including but not limited to personal leave, bereavement leave, and sabbatical leave, but excluding sick leave) do not constitute hours worked.

A leave may be taken for one (1) or more of the following reasons:

1. The birth of an employee's child.
2. The placement of a child with the employee for adoption or foster care.
3. To care for the employee's spouse, child or parent who has a serious health condition.
4. A serious condition that renders the employee incapable of performing the functions of his/her job.

Where the necessity for leave is foreseeable, the employee must provide to the Superintendent or his/her designee at least thirty (30) days notice of the employee's intention to take leave. If the leave is requested to begin in less than thirty (30) days, the employee must provide such notice as soon as practical.

Leaves for the birth of a child or placement of a child with an employee for adoption or foster care **shall not** be taken intermittently or on a reduced leave schedule unless requested by the employee and approved by the Board. Leaves for the care of an employee's spouse, child or parent who has a serious health condition or due to the employee's own serious health condition may be taken intermittently on a reduced leave schedule when medically necessary.

In the case of birth or placement of a child for adoption or foster care, the entitlement to leave expires at the end of the twelve-month period which begins on the date of the birth or placement.

An employee may elect, or the Board may require, at its discretion, the employee to substitute any accrued paid vacation leave, personal leave or family leave for any part of the twelve-week period, except for leaves due to a serious condition of the employee.

If an employee takes a leave to care for the employee's spouse, child or parent who has a serious health condition or due to the employee's own serious health condition, an employee may elect, or the Board may require, at its discretion, the employee to substitute any of the accrued paid vacation leave, personal leave or medical or sick leave for any part of the twelve-week period.

Where a husband and wife are both employed by the district, the aggregate amount of leave to which the couple is entitled during any twelve-month period is limited to twelve (12) workweeks if the leave is for the birth or placement of a child or to care for a sick parent.

Any leave requested which is based on a family member's serious health condition or the employee's own serious health condition must be supported by certification of a health care provider. Any such certification must state at a minimum:

1. The date the serious health condition began.
2. The probable duration of the condition.
3. The appropriate medical facts regarding the condition.
4. In the event the leave is based on the care of the spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that the need will continue.
5. In the event the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job.
6. In the case of intermittent leave or leave on a reduced schedule for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.

The district may obtain a second medical opinion and, if necessary to resolve conflicts, a third opinion, at the district's expense.

The Board may require, at its discretion and if circumstances so warrant, that the employee who has provided initial certification obtain subsequent recertifications of the continued need for unpaid leave.

An employee who takes a leave of absence due to the employee's own serious health condition must present certification from the employee's health care provider that the employee is able to resume work.

Any employee who takes a leave is entitled to be restored to the job which the employee had immediately prior to the leave, unless otherwise provided in **Board** policy, **administrative compensation plan or individual contract** of the district, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment if placement in the prior job is not practical. An employee will not be reinstated if the employee would not have been otherwise employed at the time reinstatement is requested.

When an employee seeks intermittent leave in connection with a family or personal illness, and such leave would constitute at least **twenty percent** (20%) of the total number of workdays in the period during which the leave would extend, the employee will not be permitted to take said leave on an intermittent basis, provided, however, that the Board may require the employee to transfer to an available alternative position that is equivalent in pay for which the employee is qualified and which better accommodates such intermittent leave.

In the event an employee on an unpaid leave under the FMLA seeks to return from leave within the last three (3) weeks of a semester, the following special rules shall apply:

1. If an employee takes a leave five (5) or more weeks prior to the end of a semester, and the period of the leave is for more than three (3) weeks, the employee seeking to return within the last three (3) weeks of the semester will be required to wait until the next semester to return to work.
2. If an employee takes a leave less than five (5) weeks before the end of the semester and the period of leave is greater than two (2) weeks, the employee seeking to return within the last two (2) weeks of the semester will be required to wait until the next semester to return to work.
3. If an employee takes a leave three (3) or fewer weeks before the end of the semester and the period of leave is greater than five (5) working days, the employee will be required to wait until the next semester to return to work.

If the employee fails to return to work after the period of the leave has expired (other than family or personal illness, or when circumstances exist beyond the control of the employee), any and all premiums paid on behalf of the employee for the continuation of health care coverage during the term of the leave shall be subject to recovery through payroll deductions or other appropriate means.

<p>29 U.S.C. Sec. 2601 et seq</p>	<p>Employees on FMLA leave shall continue to receive coverage under any group health plan providing for medical and/or dental benefits so long as such employees return to work after a maximum of twelve (12) weeks of such leave. The maximum twelve-week period for continuation of such benefits includes periods during which the employee was either required or chose to use paid leave pursuant to this policy.</p> <p><u>Miscellaneous Provisions</u></p> <p>It is unlawful for any supervisor or other employee of the district to interfere with, restrain or deny the exercise or attempted exercise of any right provided by the FMLA. Furthermore, discrimination against employees who oppose any practices made unlawful by the FMLA is prohibited.</p> <p>Nothing contained in this policy shall be construed to limit or reduce any benefit contained in any administrative compensation or individual contract between any group of employees and the district which exceeds the minimum requirements of the FMLA.</p>
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