
Appendix F of the CBA Provides the Rules and Policy for FMLA for Employees covered by the Agreement. This policy applies to all other employees of the District.

The Family Medical Leave Act provides that eligible employees may use unpaid family and medical leave (FMLA leave), for specific reasons identified in the statute and supporting regulations. Eligible employees are entitled to FMLA leave for up to a combined total of 12 weeks during each 12-month period of employment, beginning July 1 and ending on June 30 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered service member (defined in the federal rules) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered service member begins.

At the election of the Board or the employee, accrued, applicable paid leave may be substituted for and run concurrently with unpaid FMLA leave.

FMLA leave is available in one or more of the following purposes:

1. The birth of a child and to care for the newborn child within one (1) year of birth.
2. The adoption of a child or the placement of a child for adoption or foster care.
3. To care for an adopted or foster child with a serious health condition.
4. To care for a spouse, son, daughter, or parent who has a serious health condition.
5. A serious health condition that renders the employee unable to perform his/her job.
6. Due to any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty); or
7. To care for a covered service member with a serious injury or illness of the employee who is the spouse, son, daughter, parent, or next of kin of the service member (military caregiver leave).

In cases in which spouses who are employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to a combined twelve (12) workweeks during any 12-month period, if such leave is taken for:

1. The birth of a child and to care for the newborn child within one (1) year of birth.
2. The adoption of a child or the placement of a child for adoption or foster care.
3. To care for an adopted or foster child with a serious health condition.
4. To care for a spouse, son, daughter, or parent who has a serious health condition.

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5. Or, limited to twenty-six weeks if taken to care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member (military caregiver leave).

The term "serious health condition" means illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuous treatment by a healthcare provider.

Eligibility:

To be eligible for FMLA leave, the employee needs to have been employed by the District for at least 12 months and have worked at least 1,000 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District does not need to be consecutive. However, the District will not consider any period of previous employment that occurred more than seven years before the date of the most recent hiring, except when the service break is due to fulfillment of a covered service obligation under the employee's Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301, et seq., or when a written agreement exists concerning the District's intention to rehire the employee.

Requests for Leave and Duration:

An employee taking leave for either the birth of a child, to care for the newborn child within one (1) year of birth, the adoption of a child, or the placement of a child for adoption or foster care, must provide the Superintendent or designee with at least 30 calendar days' advance written notice before the date the leave is to begin. Where, due to unforeseen circumstances, such notice is not practicable, said employee shall provide as early notice as practicable.

An eligible employee must provide notice of their intent to return to the District. Appropriate medical certification or the certification from a recognized adoption agency or other agency so certified to offer recommendations for such leave shall be required. The District - at its cost - also reserves the right to require a second opinion, and possibly a third "tie-breaking" opinion when requested or warranted.

When leave is requested to care for a child, adopted child, foster child, spouse, parent, or the employee's self due to a serious health condition, the eligible employee shall make every reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District, subject to the approval of the health care provided. The eligible employee shall provide the Superintendent or his/her designee at least thirty (30) calendar days' written notice before the date the leave is to begin. Where, due to

unforeseen circumstances, such notice is not practicable, said employee shall provide as early notice as practicable.

The District may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances causing the original request for leave change significantly, or (3) District receives information that casts doubt upon the continuing validity of the need for leave. Recertification is at the employee's expense and must be provided to the District within 15 calendar days after the request. The District may request recertification every six months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of six months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Employee Benefits During the Leave:

During FMLA leave, employees are entitled to continuation of health, life, and dental benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during FMLA leave. Employees shall retain seniority status while on FMLA leave.

Return to Work / Failure to Return to Work:

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices as well as those agreed upon in the Collective Bargaining Agreement.

Subject to conditions set forth in 29 CFR §825.213, the District may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee who fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires.

Legal References.: 29 U.S.C. §2601 et seq.,

Family and Medical Leave Act; 29 C.F.R. Part 825.
105 ILCS 5/24-6.4.

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BOARD OF EDUCATION, School District 101, Western Springs, IL