

NEW SHOREHAM SCHOOL DISTRICT
BLOCK ISLAND SCHOOL

General Provisions – As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to thirteen (13) weeks of unpaid, job-protected leave during any twelve month period for specified family and medical reasons.

Covered Family and Medical Reasons

An eligible employee shall be entitled to thirteen (13) weeks (the equivalent of 65 full days) of unpaid, job-protected leave during any twelve month period for one or more of the following reasons:

- The birth of a child, placement of a child with you for adoption, or for foster care (**New Child Leave**);
- The need to care for your spouse, son, daughter, parent or parent-in-law (or other relationship deemed appropriate by New Shoreham School Department) who has a serious health condition (**Family Medical Leave**);
- Your own serious health condition that prohibits you from performing essential functions of your employment (**Employee Medical Leave**).

A “**Serious Health Condition**” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- Hospital Care – Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- Absence Plus Treatment – A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 1. Assistance under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, or
 2. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Pregnancy – Any period of incapacity due to pregnancy, or for prenatal care.
- Chronic Conditions Requiring Treatment – A chronic condition which:

1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under the direct supervision of a health care provider,
 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 3. May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.)
- Permanent/Long Term Conditions Requiring Supervision – A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or terminal stages of a disease.
 - Multiple Treatments (Non-chronic Conditions) – Any period of absence to receive treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Employee Eligibility

The employee shall have worked as a permanent employee for New Shoreham School Department for at least twelve (12) consecutive months.

The employee has to have worked for New Shoreham School Department for at least 1,250 hours over the twelve (12) months before the leave would begin. This is equal to approximately twenty-four (24) hours per week for 52 weeks.

When both spouses are employed by New Shoreham School Department, they are jointly entitled to a combined total of 13 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for child, parent or parent-in-law who has a serious health condition. Should one spouse require leave for his/her own serious health condition, such leave shall not count against the combined total.

An employee injured in the course of his/her employment and unable to perform his/her regular job duties shall have the FMLA run concurrently with his/her Workers' Compensation period of incapacity.

If an employee is on unpaid leave, holidays that fall during the leave are also unpaid.

Calculation of Leave

Eligible employees can use up to thirteen (13) weeks of leave during any twelve (12) month period. New Shoreham School Department will use a rolling twelve (12) month period measured backward from the date an employee uses an FMLA leave. Each time an employee uses a leave New Shoreham School Department computes the amount of the leave the employee has taken under this policy, subtracts it from the thirteen (13) weeks, and the balance remaining is the amount the employee is entitled to.

While on a paid leave, New Shoreham School Department will continue to make payroll deductions toward any voluntary contributions an employee would normally make. If the leave is unpaid, the employee shall be responsible for submitting the contributions to New Shoreham School Department along with any health care premiums due.

Job Restoration

An employee who utilizes family or medical leave under this policy will be restored to the maximum extent possible to the same job or a job with equivalent status, pay, benefits and other employment terms upon his/her return.

New Shoreham School Department reserves the right to exempt certain highly compensated, “key” employees from this job restoration requirement and not return them to the same or a similar position at the completion of FMLA leave. Employees who may be exempted will be informed of their status when they request leave. If New Shoreham School Department deems it necessary to deny job restoration for a key employee on FMLA leave, New Shoreham School Department will inform the employee of its intent and will offer the employee the opportunity to return to work immediately.

Procedure for Requesting Leave

All employees requesting leave under this policy must complete the Family/Medical Leave form available from Administration.

It is important to provide New Shoreham School Department with reasonable advance notice of the need for the leave. If the leave is foreseeable the employee must give thirty (30) days notice, or as much notice as possible. An employee undergoing non-emergency medical treatment is required to make every reasonable effort to schedule the treatment in a manner that causes minimal disruption to New Shoreham School Department operations.

While on leave, employees are required to report periodically to the Superintendent, or at a minimum of every thirty (30) days, regarding the status of their medical condition, and their intended return to work date. Failure to do so could jeopardize an employee’s position with New Shoreham School Department.

In all cases involving the need to use leave because of your own, or an immediate family member’s medical condition, a note from the Health Care Provider must be submitted with the application form indicating the approximate duration of the absence.

A “Health Care Provider” is defined:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or
- Nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under state law; or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA.

If deemed necessary, New Shoreham School Department may ask for a second opinion. New Shoreham School Department will pay for the employee to get a certification from a second doctor, which New Shoreham School Department will select.