

<b>Andes Central School District</b>	<b>NEPN Code: GCBDE-R</b> <b>Page 1 of 3</b>
<b>School Rules and Regulations</b>	

### **Family and Medical Leave (FMLA Leave)**

An eligible employee is entitled to up to a combined total (paid and unpaid) of twelve (12) weeks of FMLA Leave per year for:

1. The birth and first year care of a child;
2. The adoption or foster placement of a child;
3. The illness of an employee's spouse, parent, or child; or
4. The employee's own illness.

The twelve (12) month FMLA leave eligibility period will be determined by using the rolling forward method.

The employee must first use and count all available accrued paid leave, including vacation, sick leave, and personal leave, before using the unpaid leave. During the period of FMLA Leave, the employee is entitled to the continuation of all fringe benefits. Employees will still earn sick days and vacation days while on FMLA Leave. The District will continue to pay its portion of the health insurance, and it will be the employee's responsibility to continue to pay for his or her portion. Upon return to work, the employee will be entitled to his or her same position or an equivalent position with equivalent pay, except that return to work during the last two (2) or three (3) weeks of a semester is subject to certain restrictions. See special Rules below.

In the case of birth, adoption or foster placement, the FMLA Leave entitlement for child-care ends after: (1) the child reaches the age of one, or (2) 12 months after adoption or placement. FMLA Leave to care for a child would include leave for a stepparent or a person in loco parentis.

In cases where both spouses are employed by the District, the combined amounts (both employees) of FMLA Leave for birth, adoption or foster placement, or family illness is limited to twelve (12) weeks. Personal illness is not limited to this combined total.

The District, at the request of the employee, may agree that the employee may take leave intermittently or on a reduced hour's basis in connection with the birth, adoption or foster placement of a child. This is subject to the recommendations of the administrator or supervisor and is at the request of the employee.

When FMLA Leave is in connection with birth, adoption or foster placement, and is foreseeable, the employee must provide at least thirty (30) days notice of the date when FMLA Leave is to begin. When FMLA Leave is in respect to family or employee illness, which is foreseeable, the employee must make a reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as to not unduly disrupt the operations of the District.

In case of employee illness, in addition to current sick leave policy requirements, the District may require the employee to provide certification by his or her health care provider that the employee is able to return to work and is able to meet the essential functions of the job.

If an employee fails to return to work after the leave period has expired, unless the absence is due to continued family or personal illness or other circumstances beyond the employee's control, the District will require the

Employee to reimburse the District's share of the health insurance premiums paid while the employee was on FMLA Leave.

Special rules:

1. Rules Applicable to Instructors in Periods Near the Conclusion of an Academic Term (School Semester). The following rules apply to any employee who takes FMLA Leave under this policy and who is employed principally in an instructional capacity:
  - a. If FMLA Leave begins more than five (5) weeks before the end of an academic term, principal may require the employee to continue taking leave until the end of that academic term if:
    - 1) The leave is of at least three (3) weeks duration; and
    - 2) The return to work would occur during the three-week period before the end of the academic term.
  - b. If FMLA Leave begins within the five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that term, if:
    - 1) The leave is of more than two (2) weeks duration; and
    - 2) The return to work would occur during the two (2) week period before the end of the academic term.
  - c. If FMLA Leave begins within three (3) weeks before the end of the academic term, the principal may require the employee to continue taking leave until the end of that term, if the leave is for more than five (5) working days.

d. If the school system requires a teacher to extend leave under these rules, the extended Leave is counted against the teacher's FMLA Leave allotment. If the teacher's FMLA leave allotment expires during the extension; the additional time is nevertheless deemed FMLA Leave.

2. Questions on these special rules should be addressed to the chief executive officer (CEO)/superintendent or designee.

The chief executive office (CEO)/superintendent or designee will work individually with an employee who wants to apply for FMLA Leave. FMLA request forms are available from the Central Office.

LEGAL REF.; P.L. 103-3, "Family and Medical Leave Act of 1993."

Adoption Date: January 12, 2009

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