

## **Barrington Public Schools Family and Medical Leave Act Policy**

It is the policy of the Barrington Public Schools (BPS) to provide eligible employees with a leave of absence in accordance with the provisions of the federal Family and Medical Leave Act of 1993 (FMLA) and the Rhode Island Parental and Family Medical Leave Act (RIPFMLA).

### **FMLA**

#### Eligibility

Employees who are employed at a worksite where fifty (50) or more employees are employed by BPS within seventy-five (75) miles of that worksite are eligible under the FMLA to take up to twelve (12) weeks of job protected, unpaid leave in a twelve (12) month period if they have been employed for at least one year, and have actually worked 1,250 hours over the previous twelve (12) months.

#### Reduced Work Schedule or Intermittent Leave

An employee does not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt BPS's operations. Leave due to qualifying exigencies may be taken on an intermittent basis.

#### Grounds for Leave Related to a Serious Health Condition or New Child

Eligible employees will be entitled to leave under this policy for any of the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth or to care for the employee's child after birth or placement of a child for adoption or foster care.
2. To care for the employee's spouse, child, or parent with a serious health condition.
3. The employee's own serious health condition which makes the employee unable to perform the duties and functions of the employee's position.

Definition of serious health condition: An illness, injury or impairment, or physical or mental conditions that involves:

1. Inpatient care in a hospital, hospice, or residential health care facility; or
2. Continuing treatment or continuing supervision by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity or more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Service member FMLA leave:

An employee who is the spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform their duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on a temporary disability retired list, may take up to twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for that family member.

#### Qualifying Exigency FMLA leave:

An employee whose spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation, for which there is a “qualifying exigency” as defined under the federal regulations, may receive up to twelve (12) workweeks of unpaid leave. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

An employee who would like to apply for an FMLA leave should review the FMLA Protocol for details related to employee and employer responsibilities, job protection, health benefits, entitlement to paid benefits, and special rules for instructional personnel, available at:

<https://www.barringtonschools.org/o/barrington-schools/page/personnel-forms-and-links>

#### **RIPFMLA**

Full-time employees who work an average of thirty (30) hours a week or more and have been employed continuously for at least twelve (12) months are eligible for thirteen (13) continuous weeks of unpaid, job protected leave in a twenty-four (24) month period for one or more of the following reasons:

1. Birth of a child of an employee;
2. Placement of a child sixteen (16) years of age or less with an employee in connection with the adoption of such child by the employee;
3. Serious illness of the employee or the employee’s parent, spouse, child, mother-in-law, or father-in-law. Serious illness is defined to mean a disabling physical or mental illness, injury, impairment or condition that involves in-patient care in a hospital, nursing home, or hospice, or out-patient care requiring continuing treatment or supervision by a health care provider.

In order to be entitled to the leave, the employee must give at least thirty (30) days’ notice of the intended date upon which the requested leave is to commence and terminate, unless prevented by medical emergency from doing so. Employees may be requested to provide written certification from a physician caring for the person who is the reason for the leave request, which certification will specify the probable duration of the requested leave.

Employees will be restored to the position held when the leave commenced, or an equivalent position.

To the extent an employee is eligible for both FMLA leave and RIPFMLA, both leaves will run concurrently.

Additionally, an employee who has been employed for twelve (12) consecutive months is entitled to ten (10) hours of unpaid leave during any twelve (12) month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent or guardian. A notice of twenty-four (24) hours prior to the leave must be given to the applicable school principal.

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