

## **PROTOCOLS FOR OBTAINING AUTHORIZATION FOR A LEAVE OF ABSENCE UNDER FEDERAL AND STATE LAW**

These written protocols describe the step-by-step process that employees should follow if they are seeking a leave absence for reasons related to their own or a family member's serious health condition. The protocols do not describe the process for seek a paid leave under the Families First Coronavirus Response Act, which expires on December 31, 2020. To access that information, please see the [Illness and Screening Protocols at BPS PK-12 Schools](#).

Please understand that this guidance is to assist employees in referencing the applicable policies and forms maintained by the Barrington Public Schools. If an employee needs further information, they should feel free to contact Director of Administration and Finance Douglas Fiore, or their union representative.

### Review Policies

- ✓ An employee who seeks a leave of absence for reasons related to a medical or health conditions should first review the [School Committee's Family and Medical Leave Act Policy](#), the [Reason Accommodation Policy](#) and the [Educator Absence Policy](#). These policies reference and describe the laws upon which these policies are based, which include the Family and Medical Leave Act ("FMLA"), the Americans with Disabilities Act ("ADA"), and similar state law.

### Access Forms

- ✓ Second, an employee should access the forms used by the Administration to obtain information to determine whether the employee seeking a leave is eligible for such a leave under either the FMLA or the ADA. The forms can be found [here](#).

### Complete Forms

- ✓ Third, the employee should then complete the applicable form, which will require careful review by, information from and the signature of their health care provider.

### Return Forms

- ✓ Fourth, the employee should return return the form to Director Fiore as promptly as possible, so that the information can be reviewed and if needed clarified to determine whether the leave is authorized.

## Review Decision

- ✓ Director Fiore, or his designee, will provide the employee with a response indicating whether the leave is authorized, which in some cases will appear on the form itself.

## If Leave Authorized

- ✓ If the leave of absence is authorized, the Director, will give the employee a date certain by which they are expected to return to work. In other words, the written information provided by the Director will tell the employee the duration of the authorized leave.
- ✓ As a reminder:
  - Under the FMLA, eligible employees are permitted to take up to 12 weeks of job protected leave in a given year (defined by the Barrington Public Schools to run from July 1 through June 30); under a similar state law, the Rhode Island Parental and Family Medical Leave Act (RIPFMLA), they may take up to 13 weeks every two years (24 months), and that leave will be run at the same time as the FMLA leave.
  - Under the ADA, if the employee's request is reasonable and will not place an undue burden on the Barrington Public Schools, the employee may be granted a job protected leave for a specific period of time as an accommodation to enable the employee to return to work. This is called "ADA Leave."
- ✓ The Administration will implement the FMLA and the ADA consistently and fairly, as informed by the law applied by the courts and guidance from the U.S. Department of Labor.
- ✓ An employee on a leave of absence authorized under the FMLA or the ADA shall discharge their personal, sick, or vacation time (if applicable) while on leave and thereby receive regular pay until that time is exhausted. If an employee has no accrued personal, sick or vacation time available, they may apply to the sick bank (also known as the "Major Illness Bank") under their collective bargaining agreement, if such agreement applies.

## If Leave Not Authorized

- ✓ If not authorized, the employee may have the right to take another type of leave and should consult with their union representative and review those options under the applicable collective bargaining agreement.

- ✓ If the employee continues to be absent without authorization from the Administration, however, in accordance with the FMLA, the ADA, or a leave provision under the collective bargaining agreement, their employment may be subject to termination.