

FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act of 1993, as amended, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to 12 weeks during any 12 month period. For the purposes of family and medical leave, the twelve month period necessary for eligibility shall be a rolling year. A rolling 12 month period is measured backward from the date an employee uses any FMLA leave. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered and except as otherwise authorized by law, shall be returned to their previous position or to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care. Medical leave shall be provided in order for the employee to take care of a spouse, child, or parent who has a serious health condition or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

The term “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves: (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider.

Family leave shall be provided because of a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid leave in a single twelve month period to care for the service member who is seriously ill or injured in the line of duty while on active duty in the Armed Forces.

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Under certain circumstances, an eligible employee may choose or be required to substitute accrued or earned paid leave for FMLA unpaid leave. For an employee's own serious health condition, the eligible employee may elect, or the District may require the employee to use sick, personal or vacation days. For the birth of a child or placement of a child for adoption or foster care, the eligible employee may elect, or the District may require the employee to use vacation or personal days. For the care of a family member with a serious health condition, the eligible employee may elect, or the District may require the employee to use vacation or personal days; family illness or family sick days, if any, may be used if permitted under the applicable Collective Bargaining Agreement; the employee's own sick days may only be used to care for a family member with a serious health condition if and as permitted under the applicable Collective Bargaining Agreement.

The employee shall notify the District of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment, except as otherwise authorized by law. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's collective bargaining agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

Instructional Personnel

As to instructional employees, if the leave begins more than five (5) weeks prior to the end of a semester, the employee may be required to continue the leave until the end of the semester, (A) if the leave is for at least three (3) weeks, and (B) the employee's return to work would occur during the three (3) week period prior to the end of the semester.

If the leave is requested within five (5) weeks of the end of the semester, the instructional employee may be required to continue on leave until the end of the semester, if (A) the leave is longer than two (2) weeks, and (B) the employee would return from leave within two (2) weeks of the end of the semester.

Instructional employees whose family or medical of service member family leave extends past five (5) days and begins during the three (3) week period prior to the end of the semester may be required to take the leave until the end of the semester. This does not apply to medical leave for the employee's own serious health condition.

Special rules apply to an employee who works principally in an instructional capacity who needs intermittent leave or leave on a reduced schedule to care for a family member, or for the employee's own serious health condition or to care for a covered service member and the employee would be on leave for more than twenty percent of the number of working days over the period the leave would extend. These special rules include being required to take leave for periods of a particular duration or to transfer temporarily to an alternative, equivalent position that better accommodates the leave.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees. This policy is a brief summary of the legal requirements of the Family and Medical Leave Act and is intended to be consistent with all the provisions of the Act.

The District shall post a notice in designated areas and include a notice stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: 29 U.S.C. §§2601-2654, the Family and Medical Leave Act
29 CFR Part 825