

Family and Medical Leave

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Education recognizes the right of eligible employees to a total of twelve (12) weeks of unpaid family and medical leave and paid, sick, vacation, and personal leave combined during any twelve (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 twelve (12) month period is measured backward from the last date that an employee uses FMLA leave. The board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, under the same conditions that approved before leave commenced. The employee on leave shall not have any previously accrued benefits altered and except as otherwise authorized by law, shall be returned to an equivalent position.

An application for FMLA leave must be completed and submitted to the Office of Human Resources for its review. 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 or medical leave will be unpaid leave. If leave is requested for a serious health condition of the employee which renders the employee incapable of performing the functions of the job, the employee must use all of his/her accrued paid vacation leave or sick leave. If leave is requested for any other FMLA reason listed below, the employee must use all of his/her accrued vacation or personal leave. The remainder of the leave period will then consist of unpaid leave.

Family leave shall be provided for the following reason:

1. the birth of the employee's child and in order to care for the child; or
2. the placement of a child with the employee for adoption or foster care; or
3. to care for a spouse, child or parent who has a serious health condition.

The employee shall notify the district of his/her request for leave, if foreseeable, at least thirty (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 soon as the necessity of the leave arises. Where the FMLA leave is for a serious health condition, a medical certification statement must be provided by the employee from the applicable health care provider.

Limitations on FMLA leave are applicable where the husband and wife are both employed by the District.

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, 1) if the leave is for at least three (3) weeks, and 2) 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 1) the leave is longer than two (2) weeks, and 2) the employee would return from leave within two (2) weeks of the end of the semester.

Instructional employees whose family or medical 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 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 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 Act. The district will follow the implementing regulations for FMLA, 29 C.F.R. Part 825 with respect to all FMLA applications.

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.