

**Cornerstone Montessori Elementary School
Family and Medical Leave Policy**

I. PURPOSE

The Family and Medical Leave Act (FMLA) of 1993 entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. This policy also covers women under the Minnesota Women's Economic Security Act of 2014.

II. DURATION OF LEAVE

A. Twelve-week Leave

Regular full-time and part-time employees who have been employed by the school for at least 12 months (need not be consecutive) and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law.

Under the Minnesota Women's Economic Security Act, qualified employees must have worked for the employer for at least an average number of hours equal to one-half the full-time-equivalent position in the employee's job classification in the preceding 12 months.

B. Twenty-six week Servicemember Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 work weeks of leave during a 12-month period to care for the servicemember. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.

The 12-month period referred to begins on the first day the eligible employee takes leave to care for a covered servicemember and ends 12 months after that date.

C. Conditions for Spouses Employed by the School

Eligible spouses employed by the school are limited to an aggregate of twelve weeks of leave during any 12-month period for the birth or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the school does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with a serious health condition or because of the employee's own serious health condition.

Eligible spouses employed by Cornerstone are limited to a combined total of 26 weeks of leave during any 12-month period if leave is taken to care for a covered servicemember with a serious injury or illness.

III. REASONS FOR LEAVE

Leave may be taken for one or more of the following reasons in accordance with applicable law:

- a female employee's prenatal care, incapacity due to pregnancy, childbirth, or related health conditions;
- birth of the employee's child;
- placement of an adopted or foster child with the employee;

- to care for the employee’s spouse, son, daughter, or parent with a serious health condition;
- a serious health condition that makes the employee unable to perform the functions of the employee’s job; and/or
- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty.”

For the purposes of this policy, “year” is defined as a rolling 12-month period measured backward from the date an employee uses any leave.

A “serious health condition” typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions for which treatment and recovery are very brief.

IV. POLICY IMPLEMENTATION

A. Procedure for Requesting Leave

Requests for leave shall be made to the Head of School. Employees must give 30 days’ written notice of a leave of absence where practicable. If it is not possible to give 30 days’ notice, the employee must give as much notice as is practical.

B. Certification of the Need for Leave

If an employee requests a leave for the serious health condition of the employee or the employee’s spouse, child or parent, the employee will be required to submit sufficient medical certification. In such as case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances. Failure to provide certification may result in a denial of the leave.

If the school has reason to doubt the validity of a health care provider’s certification it may require a second opinion at the school’s expense. If the opinions of the first and second health care providers differ, the school may require certification from a third health care provider at the school’s expense.

C. Intermittent Leave or Reduced Work Schedule

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time her or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the school’s operations.

If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer’s approval.

Part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week.

D. Employee Benefits and PTO During FMLA Leave

During the period of a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period), the school will continue the employee’s

medical, dental, and other benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. *However, the employee will be responsible for payment of the employee contribution to all benefits during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.*

1. An employee who does not return to work after leave may, in some situations, be required to reimburse the school for the cost of the benefit premiums paid by it.
2. The School requires that employees use all available PTO during any FMLA leave.
3. Leave that qualifies for worker's compensation, short-term disability, or other wage replacement benefits may still be covered by the FMLA (even though the leave is paid), and will accrue within the employee's overall FMLA balance.
4. PTO will not accrue during FMLA leave.

E. Employment During Leave

An employee on FMLA leave may not accept employment with any other employer without the School's written permission. An employee who accepts such employment will be deemed to have resigned from employment at the School.

F. Returning from Leave

An employee may be required to present a certification from a health care provider indicating that the employee is able to return to work.

If an employee can return to work with limitations, the School will evaluate those limitations and, if possible, will accommodate the employee as required by law.

When possible, employees taking leave under this policy will be returned to the same jobs they held when their leave began. If this is not feasible, employees will be returned to a position that entails substantially equivalent skill, effort, responsibility, hours, and authority as the position they had previously held. The only exceptions to this rule will be in circumstances of layoffs or reorganizations, where the employees' positions would have been eliminated even if they had not been on leave.

G. Special Considerations for Instructional Employees

An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting.

1. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the school may transfer the instructional employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
2. If an instructional employee's planned return to work following a FMLA leave would occur during the last two weeks of the school year, the Head of School may instead require that the employee continue to taking leave until the end of the year to avoid classroom disruption. In such cases, the school will continue the employee's benefits contributions if the employee's leave entitlement ends before the involuntary leave period expires.

H. Compliance with FMLA Law

The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 (“FMLA”) and applicable law. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations.

To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

Cornerstone will comply with written notice requirements as set forth in federal regulations.

Further information on employees’ rights and remedies under the FMLA can be found on the Department of Labor’s website at <http://www.dol.gov/whd/fmla/>

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