

# Family and Medical Leave for Personnel

It is the policy of the Board to make available to eligible employees of the School System, family and medical leave in accordance with the Family and Medical Leave Act (FMLA). The leave will be without pay for up to 12 weeks in any 12-month period, will be gender-neutral, and may be taken for one or more of the following reasons:

1. Birth of a child.
2. Adoption of a child or placement of a foster child.
3. Care of a sick spouse, child, or parent.
4. Serious health condition of the employee.

## A. DEFINITIONS

1. **Eligible employee** – Means one employed with the School System for at least 12 months during which time the employee worked at least 1,250 hours.
2. **Health Care Provider** – Means a state licensed medical doctor.
3. **Family Member** – Means a legal spouse, biological parent(s), and a biological son or daughter, an adopted or foster child, or stepchild, or a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self-care.
4. **Parent** – Means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.
5. **Serious Health Condition** – Means an illness, injury, impairment, or physical or mental condition involving inpatient or continuing treatment by a health care provider.
6. **Spouse** – Means a husband or wife, as the case may be.
7. **Week** – Means a work week.

## B. ELIGIBILITY FOR FAMILY AND MEDICAL LEAVE

1. The employee must have been employed by the Board for at least 12 months and for at least 1,250 hours during the prior 12 month period.
2. Upon the birth of a child, the member is eligible for up to 12 weeks of leave under the FMLA. The law provides that when the mother's leave period is over, the child's father is eligible for up to 12 weeks of leave. However, if both parents are employees of the Board, the aggregate amount of leave granted both parents during any 12 months is limited to a total of 12 weeks. The mother may utilize any accrued sick leave, paid accrued personal leave, and/or accrued vacation leave as part of the 12 weeks FMLA leave, provided any such leave taken is in accordance with the Sick Leave Policy filed: GALB; the Maternity Leave for Personnel Policy filed: GALBE; the Vacation Leave Policy filed: GALBJ; and the Personal Leave Policies filed: GBRI and GCRI.
3. In the event a child is placed in an employee's home for adoption or foster care, the employee is eligible for up to 12 weeks of leave under FMLA. The employee may utilize any accrued paid leave under FMLA. The employee may utilize accrued paid personal leave and/or accrued vacation leave as a part of the 12 weeks FMLA leave provided such leave is taken in accordance with the Vacation Leave Policy filed: GALBJ; and the Personal Leave policies filed: GBRI and GCRI.
4. In the event of a serious health condition of an employee or a family member as determined by a licensed physician(s), the employee is eligible for leave under the FMLA for up to 12 weeks. In such case, the employee may choose to utilize any available accrued sick leave, paid personal leave, and/or any authorized paid vacation as a part of the FMLA 12-week leave period provided any such leave taken is in accordance with the Sick Leave Policy filed: GALB; the Vacation Leave Policy filed: GALBJ; and the Personal Leave policies filed: GBRI and GCRI.

Note: The birth or placement of a child for adoption or foster care entitlement to leave expires at the end of the 12 month period beginning on the date of the birth or placement. However, if both parents are employed by the Board, the aggregate amount of leave granted to both parents in such instances shall not exceed 12 weeks in a 12-month period.

Note: The Board will not permit the use of sick leave, personal leave, and/or vacation leave in relation to FMLA leave when such leave is not permitted by state statute, State Board of Education Policy, or Board policy.

C. INTERMITTENT LEAVE OR REDUCED LEAVE TIME

Leave granted for the birth of a child or placement of a child for adoption or foster care may not be taken on an intermittent or reduced leave basis unless agreed to by Board and the employee. However, when leave is taken to care for a sick family member or due to the employee's own serious health condition, leave may be taken intermittently or on a reduced leave basis when medically necessary.

If an employee requests intermittent leave or leave on a reduced leave basis due to the serious health condition of the employee or of a family member and the leave is foreseeable based on planned medical treatment, the Board may require the employee to transfer to a temporary alternative job (where available) for which the employee is qualified and which better accommodates the leave than the employee's regular job. However, the temporary job will have the equivalent pay and benefits of the employee's regular job.

D. NOTICE OF LEAVE AND INITIAL CERTIFICATION

An employee requesting leave under the provisions of the FMLA is required to give notice to the Board as to when leave is to be taken.

1. **Birth or Placement of a Child, Adoption, or Foster Care** – a 30-day written notice of intent to take FMLA leave is required. If the date of the birth or placement requires leave to begin in less than 30 days, the employee must provide such notice as soon as practicable.
2. **Serious Health conditions of the Employee or Family Member** – Where the necessity for FMLA leave is due to the serious health condition of a family member or of the employee and is foreseeable based on planned medical treatment, the employee must give at least 30 days written notice or notice as soon as practical, if treatment starts in less than 30 days.
3. **Certification** – For any leave requested based on the serious health condition of the employee or of a family member, the employee must provide certification from a state licensed medical doctor supporting the request for leave. The employee must provide a copy of the certification to the Board in a "timely manner." The certification must contain the following information:

- a. The date the serious health condition began.
- b. The probable duration of the condition.
- c. The appropriate medical facts regarding the condition.
- d. If the leave is based on the care of the spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time the care will need to be continued.
- e. If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of the job.
- f. In the case of intermittent leave or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.

E. PROCEDURE FOR GIVING NOTICE

The employee will give written notice on the Family Medical Leave Form to the employee's immediate supervisor in accordance with criteria outlined under the "Notice of Leave and Initial Certification Section" of this policy. Failure to give notice may lead to denial of the request for leave.

F. MEDICAL TREATMENT

The employee must make a reasonable effort to schedule the medical treatment so as not to unduly disrupt the operations of the Board, subject to the approval of the health care provider. Where the need for leave is unforeseeable, notice as soon as practical is required.

G. RECERTIFICATION OF HEALTH CONDITION

The Board may at its discretion require:

1. The employee to provide later certification "on a reasonable basis" as to the status of the health condition for which leave was granted.

2. The employee to report periodically on his/her health status.
3. The employee's intention to return to work.
4. The Employee to obtain certification from an authorized health care provider verifying that the employee is able to resume work when the employee is taking leave due to the employee's serious health condition.

#### H. SUBSEQUENT (SECOND & THIRD) MEDICAL OPINIONS

The Board, at its discretion and expense, may require the employee to get a second medical opinion. In such instance, the second health care provider will be designated by the Board; but, that provider will not be an employee of the Board. If the medical opinions of the employee's health care provider and the opinion of the medical official designated by the Board conflict, the Board at its discretion and expense, may require a third medical opinion by a medical official jointly designated by the Board and the employee. The opinion of the third provider will be final.

#### I. MAINTENANCE OF BENEFITS

Health insurance coverage must be maintained under any group health plan for any employee requesting and being granted leave under FMLA. The coverage will be continued for the duration of the leave at the same level and under the same conditions coverage would have been provided if no leave had been taken. However, if an employee fails to return to work after the period of leave expires, the Board may recover any premium the Board may have paid for coverage during the leave period.

#### J. ENTITLEMENT TO REEMPLOYMENT AND BENEFITS

With limited exceptions, an eligible employee who takes leave will be entitled to be restored to his/her old job or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. No employment benefits that accrued before the date leave began will be lost. An employee is not entitled to an accrual of any seniority or employment benefits (sick leave, personal leave, vacation leave, etc.) that would have occurred during the leave period.

K. FAIR LABOR STANDARDS ACT

Providing unpaid leave will not affect an employee's status as an exempt employee under the Fair Labor Standards Act provisions governing overtime pay.

L. UNEMPLOYMENT COMPENSATION

During the FMLA leave period the employee is not entitled to unemployment compensation, even if the leave is unpaid.