

## **STAFF FAMILY AND MEDICAL LEAVE REGULATION (FMLA LEAVE)**

A staff member is entitled up to a combined total (paid and unpaid) of twelve (12) weeks of FMLA Leave per year for:

1. the birth and first year of a child;
2. the adoption or foster placement of a child;
3. the serious health condition of an employee's spouse, parent, or child; or
4. the employee's own serious health condition; or
5. because of a qualifying exigency arising out of the fact that an employee's spouse, child, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves; or
6. because you are the spouse, child, parent or next of kin of a covered service member with a serious illness or injury.

If the employee is eligible for the Family Medical Leave Act, they will be required to use available paid leave during the FMLA absence. This means that the employee will receive their paid leave and the leave will also be considered protected FMLA leave and counted against the employee's FMLA leave entitlement. During the period of FMLA Leave, the employee is entitled to the continuation of all fringe benefits. The district will continue to pay its portion of the health insurance, and it will be the employee's responsibility to continue to pay for his or her portion. Upon return to work, the employee will be entitled to his or her same position or an equivalent position with equivalent pay; however, when the return to work occurs during the last two (2) or three (3) weeks of a semester certain restrictions may apply. See "Special Rules" below.

In the case of birth, adoption or foster placement, the FMLA Leave entitlement for child-care ends after:

1. the child reaches the age of one, or

2. twelve (12) weeks after adoption or placement. FMLA Leave to care for a child would include leave for a step-parent or a person *in loco parentis*.

In cases where both spouses are employed by the district, the combined amounts (both employees) of FMLA Leave for birth, adoption or foster placement, or family illness is limited to twelve (12) weeks. Personal illness is not limited to this combined total.

The district, at the request of the employee, may agree that the employee may take leave intermittently or on a reduced hours basis in connection with the birth, adoption or foster placement of a child. This is subject to the recommendations of the administrator or supervisor and is at the request of the employee.

When FMLA Leave is in connection with birth, adoption or foster placement, and is foreseeable, the employee must provide at least thirty (30) days notice of the date when FMLA Leave is to begin. When FMLA Leave is in respect to family or employee illness, which is foreseeable, the employee must make a reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as to not unduly disrupt the operations of the district.

In case of employee illness, in addition to current sick leave policy requirements, the district may require the employee to provide certification by his or her health care provider that the employee is able to return to work and is able to meet the essential functions of the job.

If an employee fails to return to work after the leave periods has expired, unless the absence is due to continued family or personal illness or other circumstances beyond the employee's control, the district will require the employee to reimburse the district's share of the health insurance premiums paid while the employee was on FMLA Leave.

#### Special Rules:

1. The following rules apply to any employee who takes FMLA Leave under this policy and who is employed principally in an instructional capacity:
  - a. If FMLA Leave begins more than five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that academic term if:
    1. the leave is of at least three (3) weeks durations; and if
    2. the return to work would occur during the three-week period before the end of the academic term.

- b. If FMLA Leave begins within the five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that term, if
    - 1. the leave is of more than two (2) weeks duration; and
    - 2. the return to work would occur during the two (2) week period before the end of the academic term.
  - c. If FMLA Leave begins within three (3) weeks before the end of the academic term, the principal may require the employee to continue taking leave until the end of that term, if the leave is for more than five (5) working days.
  - d. If the school system requires a teacher to extend leave under these rules, the extended leave is counted against the teacher's FMLA Leave allotment. If the teacher's FMLA Leave allotment expires during the extension, the additional time is nevertheless deemed FMLA Leave.
2. Questions on these special rules should be addressed to the superintendent or designee. The superintendent or designee will work individually with an employee who wants to apply for FMLA Leave. FMLA Leave request forms are available from the Human Resource Office.

Legal Ref.: P.L. 103-3, "Family and Medical Leave Act of 1993."

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