

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 unpaid family and medical leave for up to twelve (12) weeks (or in certain cases up to 26 weeks) during any rolling twelve (12) month period 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 shall be returned to an equivalent position according to established board practices, policies and collective bargaining agreements. It is the Board of Education's responsibility to designate qualifying leave as FMLA leave and inform the employee requesting the leave of its designation as FMLA leave in writing.

To be eligible for family or medical leave an employee must have been employed within the District 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 an 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.

Eligible employees may also take FMLA leave for the following purposes:

1. **Qualifying exigency:** Eligible employees may take up to 12 weeks of FMLA leave in a 12-month period because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces in support of a contingency operation. Employees requesting this type of FMLA leave will need to complete a Certification of Qualifying Exigency for Military Leave form developed by the United States Department of Labor.
2. **Service member caregiver:** Eligible employees may take a total of up to 26 workweeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a military service member recovering from an injury or illness suffered while on active duty in the armed forces. Employees requesting this type of FMLA leave will need to complete a Certification for Serious Injury or Illness of Covered Service member for Military Leave form developed by the United States Department of Labor.

The district shall require an employee to use accrued paid vacation, personal or family leave for purposes of a family leave and shall require an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

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 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. The district may require a fitness-for-duty report prior to an employee's return to work. The Superintendent of Schools or designee, may reassign a teacher to a different grade level or other assignment consistent with the employee's certification and tenure area and the FMLA regulations.

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the laws.

APPROVED: BOARD OF EDUCATION

DATE: September 21, 1993

REVISED: August 15, 1995
January 21, 2003
January 17, 2012