

## **Federally-Mandated Family Leave**

### **Notification and reporting**

When the need for leave for the birth or adoption of a child or for planned medical treatment is foreseeable, the employee must provide at least 30 days prior notice unless circumstances dictate otherwise. With respect to foreseeable treatments of an employee's family members, the employee must make a reasonable effort to schedule treatment so as not to disrupt district operations.

In cases of illness, the employee is required to report periodically on their leave status and intention to return to work.

### **Intermittent or reduced leave**

When instructional employees seek intermittent leave in connection with a family or personal illness and when such leave would constitute at least 20 percent of the total number of working days in the period during which the leave would extend, the district may require the employee to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position with the school system, that is equivalent in pay, for which the employee is qualified and which better accommodates the intermittent situation.

### **Basic conditions**

The district will require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. The basic certification will be sufficient if it contains the date on which the condition commenced, the duration of the condition and any appropriate medical information.

For an employee's own medical leave, the certification also must include a statement that the employee is unable to perform the functions of the position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care.

In its discretion, the district may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the district at its own expense may require the binding opinion of a third health care provider approved jointly by the district and the employee.

Certification for intermittent leave must indicate the dates on which treatment is expected to be given and the duration of the treatment. For leave to care for a seriously ill child, spouse or parent, the certification must include a statement that the employee's intermittent leave is necessary to care for the family member and the expected duration and schedule of treatment.

For the employee's own intermittent leave, the certification must contain a statement indicating the medical necessity of the intermittent treatment and its expected duration.

A "Request for Family and Medical Leave of Absence Form" must be originated in duplicate by the employee. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approval, and forwarded to the personnel department. If possible, the form should be submitted 30 days in advance of the effective date of the leave. All medical information provided to the district through this process shall be treated as confidential.

### **Reinstatement**

Because the end of the semester is a critical time for both teachers and students, the following conditions will apply to requests from teachers seeking to return from leave within the last three weeks of the semester:

1. If the employee begins any category of family and medical leave five or more weeks prior to the end of the semester and the leave is for more than three weeks, the district may require the employee seeking to return within the last three weeks to wait until the next semester.
2. If the employee begins any category of family and medical leave except personal sick leave less than five weeks before the end of the semester and the period of leave is greater than two weeks, the district may require the employee seeking to return within the last two weeks to wait until the next semester.
3. If the employee begins any category of family and medical leave except personal sick leave three or fewer weeks before the end of the semester and the period of leave is greater than five working days, the district may require the employee to wait until the next semester.

Employees who have taken leave due to a personal health condition will be required to provide certification by their physician that the employee is able to resume work. In addition, the district reserves the right to consult with a public health official if there is any question about possible transmission of a disease in the school setting.

### **Repayment of benefits**

In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the district may recover from the employee the cost of any payments made to maintain the employee's group health insurance coverage unless the failure to return to work was due to a continuation, recurrence or onset of a serious health condition as certified by a physician that entitles the employee to leave or for other reasons beyond the employee's control.

Benefit entitlements based upon length of service will be calculated as of the last paid work day prior to the start of the unpaid leave of absence.

**Posting/notice to employees**

Building principals/administrators will post notices explaining the Family and Medical Leave Act's provision in locations where they can be readily seen by employees and applicants for employment.

The FMLA Fact Sheet published by the U.S. Department of Labor, wage and hours division, will be incorporated into all employee handbooks or provided directly to employees.

Approved by the Board: December, 2005

