

### FAMILY AND MEDICAL LEAVE

Employees who have worked for the district at least twelve months and who have worked at least 1,250 hours during the twelve month period immediately preceding commencement of leave are eligible for Family and Medical Leave. Employees meeting these criteria are eligible for unpaid leave, or paid leave if it has been earned, for a period of up to twelve work weeks (sixty work days) during any twelve month period. Leave may be taken because of the birth of the employee's child; placement of a child with the employee for adoption or foster care; to care for the employee's child, spouse, or parent with a serious health condition; or because of the employee's own serious health condition which makes the employee unable to perform the employee's job.

For the purposes of this policy, "the twelve month period" is defined as the period of time commencing July 1 and ending June 30 of the following year.

#### Definitions.

- a. Eligible Employee. An employee who has been an employee of the district for at least 12 months and has worked at least 1250 hours during the 12 months immediately prior to the date the leave begins.
- b. Child. A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent). The child must be under 18 years old, or 18 or older and incapable of self-care because of a mental or physical disability.
- c. Parent. A parent is the employee's biological parent or someone who stood in loco parentis (in place of a parent) to an employee when the employee was a child.
- d. Serious Health Condition. A serious health condition is:
  - (1) an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider; and/or
  - (2) any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; and/or
  - (3) a condition requiring continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

Note: Serious health condition does not include minor illnesses that last only a few days and

surgical procedures that typically do not involve hospitalization and require only a brief recovery period.

- e. Health Provider. A health provider is a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices.
- f. Intermittent Leave. Intermittent leave is taken in separate periods of time due to a single illness or injury, rather than one continuous period of time.
- g. Reduced Leave Schedule. Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Where the need for leave is foreseeable based on birth, adoption, or foster care placement of a child, the employee must provide the district with at least 30 days' notice before the leave begins, unless it is not possible because the birth, adoption, or foster care placement affords less notice, in which case the employee must provide notice as practical. Leave resulting from the birth, adoption, or placement of a child must be taken within twelve months of the birth, adoption, or placement. Leave for foster care placement requires a formal agreement between a State agency and the foster family regarding care of a child.

When leave is foreseeable based on planned medical treatment of a family member or for the employee's own treatment, the employee is required to give 30 days' notice, where possible, or notice as is practical, and the employee is required, subject to the approval of the health care provider, to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the district.

Intermittent leave or leave on a reduced leave schedule may not be taken by an employee whose leave results from the birth, adoption, or placement of a child, unless medically necessary. When leave is taken to care for a sick family member, or as a result of an employee's serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.

Instructional employees of the district may be subject to certain limitations on taking intermittent leave or reduced leave schedule. Instructional employees are defined as those whose principal function is to teach and instruct students in a class, small group or individual setting.

If an eligible instructional employee needs intermittent leave or reduced leave schedule to care for a family member or for the employee's own serious health condition and the employee would be on leave more than twenty percent of the total time, the district may require that the employee take leave for the duration of the planned treatment, or may transfer the instructional employee to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave.

If an instructional employee begins leave more than five weeks before the end of the term, the district may require that the employee continue leave until the end of the term if the leave will last at least three weeks and the employee would return to work during the three week period

before the end of the term. If an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five week period before the end of the term, the district may require that the instructional employee continue leave until the end of the term if the leave will last more than two weeks and the employee would return to work during the two week period before the end of the term. If an employee begins leave for a purpose other than the employee's own serious health condition during the three week period before the end of the term, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the term.

During the time an employee is on Family and Medical Leave, the district will continue to provide coverage, under the district's health/dental insurance plans, if the employee was covered under the plan prior to the beginning of the employee's leave. Employee payment of premiums, such as family coverage or additional life insurance, which the employee paid prior to beginning such leave will remain the employee's responsibility. If the employee fails to return to the district's employment following Family and Medical Leave, the employee will be responsible for reimbursing the district for the cost of the health/dental premiums paid by the district for the employee during the leave unless the employee is unable to return to employment due to the continuation or onset of a serious health condition which would entitle an employee to such leave, or due to other circumstances beyond the control of the employee. If an employee is unable to return to work due to medical reasons, the district may require the employee to furnish certification of the serious health condition.

If a husband and wife are employed by the district, they are entitled to a combined total of twelve weeks (sixty workdays) of Family and Medical Leave during any twelve month period if leave is taken for the birth, adoption, or placement of a child, or to care for a parent (not parent-in-law) with a serious health condition. For a child or spouse with a serious health condition, the husband and wife are each entitled to twelve weeks of Family and Medical Leave.

If the employee has accrued paid leave (sick, personal, or vacation), the employee will be required to use all of the accrued paid leave concurrently with the twelve-week entitlement of family and medical leave.

The district may require an employee taking leave as a result of the employee's or a family member's serious health condition to furnish certification of the serious health condition from a health care provider. Such certification may be required at the beginning of the leave and then monthly thereafter. The district, at its expense, may require the employee to obtain a second opinion from a health care provider of the district's choice.

While an employee is on unpaid family and medical leave, no seniority or benefits, such as sick leave or vacation leave, will accrue. Following return from leave, the employee will not be entitled to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

Upon return to work, the employee will be restored to the same position the employee held when the leave commenced, or will be placed in an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment (other than as described above for instructional

employees).

This policy is intended to confer certain rights and privileges set forth in the Family and Medical Leave Act of 1993, and 29 C.F.R. Part 825, as amended from time to time, and the regulations implementing said act are hereby incorporated by this reference.

Adopted: 11/10/97