

FAMILY AND MEDICAL LEAVE PLAN

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses who are eligible for FMLA leave and are both employed by the district may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition.

Leave is available because of:

- (1) the birth of a son or daughter of the employee and to care for the son or daughter;
- (2) the placement of a son or daughter with the employee for adoption or foster care;
- (3) the need to care for a spouse, son, daughter or parent of the employee because of a serious health condition;
- (4) a serious health condition of the employee that prevents the employee from performing the job functions;
- (5) a qualifying exigency arising because the spouse, son, daughter of parent of the employee is on active duty (or has been notified of an impending call or order to achieve active duty in the Armed Forces.
- (6) a spouse, son, daughter, parent or next of kin of a covered service member if they need care from the eligible family member. Eligible employees are, in this case, entitled to a combined total of 26 workweeks of leave during a 12-month period.

(Leave for reason 1 or 2 must be taken within 12 months of birth or placement.)

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used concurrently with the annual family and medical leave. The superintendent will notify the employee of the beginning date of family and medical leave and the amount of the employee's accrued paid leave designated as family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service in the district and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the clerk of the board on the payroll date or other time as the employee and superintendent may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

- a. whether or not the employee is eligible for FMLA leave, and the reasons that leave will count as family and medical leave,
- b. any requirements for medical certification;
- c. employer requirement of substituting paid leave;
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share;
- e. right to be restored to same or equivalent job; and
- f. any employer required fitness-for-duty certifications.

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

Leave for reason 1 or 2 must be taken within 12 months of the date of birth or placement of the child. Family leave for reasons 1 or 2 may not be used intermittently or on a part-time basis without the prior approval of the superintendent.

If the leave is for a reason other than the employee's serious health conditions, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

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