

Lower Merion School District

Policy No.: 335
Section: ALL EMPLOYEES
Title: FAMILY AND MEDICAL LEAVES OF ABSENCE
Date Adopted: 4/21/03
Date Last Revised:

335 FAMILY AND MEDICAL LEAVES OF ABSENCE

This policy is intended to comply with the Family Medical Leave Act of 1993.

In order to be eligible for a Family and Medical Leave Act (FMLA) leave of absence, an employee must have completed at least one year’s service with the District and at least 1,250 hours of work during the twelve (12) months preceding the start of the leave.

Only twelve weeks of FMLA leave of absence per employee is allowed in any twelve (12) month period beginning with the date of the leave.

A FMLA leave of absence is an approved temporary unpaid leave of absence, not to exceed twelve (12) weeks, initiated at the employee’s request or as designated by the district based upon information furnished by the employee. Seniority will not be interrupted and benefits will be continued during the leave. However, the absence shall be without pay unless eligible employees use available personal, vacation or other paid leave days.

Employees may request leave:

- For the birth, adoption, or placement of a child in foster care;
- For their own serious health condition;
- To care for an immediate family member (spouse, child or parent) with a serious health condition.

TERMS DEFINED IN THE FMLA

All terms used in this policy that are defined in the FMLA will have the same meaning as in the FMLA.

APPLICATIONS AND CONDITIONS

Applications

An employee desiring FMLA leave shall make a written request stating the reasons for and beginning date of the leave. The Department of Human Resources shall furnish application forms for the purpose of acquiring required information from employees regarding FMLA leaves.

MEDICAL CERTIFICATIONS

Requests for leave for an employee with a serious health condition or to care for a seriously ill family member (son, daughter, spouse, or parent of the employee) shall be supported by a

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certification from the health care provider of the person with the condition. If the District has reason to doubt the validity of the medical certification, the District may require a second opinion at District expense. In such case, the second opinion shall not be provided by a health care provider employed by the District or with whom the District regularly contracts. In the event of conflicting opinions, the District may pay for a third and final provider to offer a binding decision. Such information shall be submitted to the Director of Human Resources, who will review the request and prepare a recommendation for Board approval or disapproval according to the District policy and the FMLA.

The District may require recertification on a reasonable basis.

TIMING OF FMLA LEAVE REQUESTS

The request for FMLA leave shall be made thirty (30) days in advance when the need for leave is foreseeable. If it is not practical under the circumstances to provide such advance notice, notice shall be given as soon as practical (but in any event within two working days after the need for leave is discovered).

SPECIAL CONSIDERATIONS FOR INSTRUCTIONAL EMPLOYEES

Intermittent or Reduced Schedule Leaves for Serious Health Condition

In the case of an instructional employee seeking intermittent leave or leave on a reduced leave schedule for their own or an immediate family member’s serious health condition, and:

- 1) where the need for leave is foreseeable based on planned medical treatment;
- 2) and where the employee would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, then

the District may require the employee to elect either:

- 1) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- 2) to transfer temporarily to an available alternative position offered by the District, for which the employee is qualified and which has equivalent pay and benefits.

Examples: Instructional employee who normally works five days each week and needs to take two days of FMLA leave per week for planned medical treatment for serious health condition would be subject to transfer. Instructional employee who needs only one day per week would not be subject to transfer.

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Leaves Concluding Near A Break In The Academic Calendar

With respect to periods of leave concluding near a break in the academic calendar, an instructional employee who seeks to return from leave during the three weeks prior to that break may be required to continue taking leave until the end of the vacation or the semester in accordance with FMLA.

HUSBAND AND WIFE BOTH WORK FOR THE DISTRICT

If both husband and wife work for the District and each wishes to take leave for the birth of a child, adoption, or placement of a child in foster care, the husband and wife may only take a combined total of twelve (12) weeks of leave.

INTERMITTENT LEAVE

For leaves for birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the Board of School Directors.

LEAVE CONCURRENT WITH OTHER LEAVES

To the extent expressly provided by any applicable collective bargaining agreement or other group or individual employee contract, the FMLA leave will run concurrently with any other leave entitlements the employee may have.

STATUS REPORTS

The District will require periodic reports from the employee regarding his or her status or that of a seriously ill family member and the employee's intent to return to work.

FAILURE TO RETURN FROM LEAVE

If it becomes known that the employee is not returning to work after twelve weeks and therefore ceases to be entitled to leave, the District's obligations to provide health benefits (except as provided under COBRA) and to restore the employee to work shall cease at that point, unless a request for extension of leave has been requested and approved. If any employee fails to return from leave, the District reserves the right to recover from the employee the health insurance premiums paid for the employee during the leave pursuant to the written guidelines promulgated by the Superintendent or designee.