

SCHOOL DISTRICT FOR THE CITY OF PONTIAC FAMILY MEDICAL LEAVE ACT GUIDELINES

The Family Medical Leave Act (FMLA) of 1993 provides that an unpaid leave of absence for a maximum of twelve work weeks (60 working days) during any twelve month period be provided to eligible employees for family or personal medical reasons.

A. Eligible Employees

To be eligible for FMLA, an employee must have been employed by Pontiac Schools for at least 12 months and have worked at least 1,250 hours preceding the commencement of the leave.

B. Definition of a 12 Month Period

The 12 month period is a “rolling” 12-month period, measured backward from the date an employee requests the leave. Each time an employee takes Family Medical Leave, the remaining leave entitlement would be any balance of the twelve weeks (60 days) which has not been used during the immediately preceding twelve months.

C. Reasons for Leave

Employees may take the unpaid leave of absence for one or more of the following reasons:

1. The birth of the employee’s child and to take care of the newborn child, within one year of birth;
2. The placement of a child with the employee for adoption or foster care, within one year of placement;
3. To care for the employee’s spouse, child, or parent who has a serious health condition;
4. A serious health condition renders the employee incapable of performing the functions of his/her job;
5. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to cover active duty status.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the Nation Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits employees to take up to 26 weeks of leave to care for a covered service member that is a current member of the Armed Forces, including a member of the Nation Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or is on the temporary disability retired list.

D. Definition of 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 (2) continuing treatment by a healthcare provider.

E. Intermittent Leave or Reduced Leave Schedule

When leave is taken to care for a family member with a serious health condition or due to an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule (such as half-day or week) when medically necessary. Such leave is not available for care of a child after birth or placement. Employees needing intermittent leave or leave on a reduced schedule must attempt to schedule this leave to avoid disruption of the operations of the school district.

F. Transfer to Temporary Alternate Jobs

Where an employee requests intermittent leave or leave on a reduced schedule due to the serious health condition of a family member or the employee, and the leave is foreseeable based upon planned medical treatment, Pontiac Schools may require the employee to transfer to a temporary alternate job for which the employee is qualified and which better accommodates the leave than the employee's regular job. The temporary position will have the equivalent pay and benefits of the employee's regular position.

G. Use of Accrued Leave Days

Pontiac Schools provides paid leave days and paid vacation days to employees in accordance with the collective bargaining agreements, contracts, and conditions of employment. Employees are required, on commencing the FMLA leave; simultaneously' to take any paid leave (sick, vacation, personal, etc.) for which they are eligible for in accordance with the collective bargaining agreements, contracts, and conditions of employment.

H. Written Notice of the Need to take FMLA Leave is Required

Leave should be requested, in writing, stating the date the leave will begin and the expected date of return to work. Employees are required to give a 30-day notice for foreseeable leave of birth, adoption, foster care placement, or planned medical treatment. However, if the reason for the leave requires the leave to begin in less than 30 days, the employee shall provide such notice as is practicable. Forms for requesting Family Medical Leave are available in the Human Resources Office and on the district website. For leaves that are not foreseeable, an employee will be required to provide the completed FMLA forms and medical documentation as soon as possible.

I. Certification of a Health Care Provider

An employee must provide a certification by a health care provider to support a claim for leave for an employee's own serious health condition or the serious health condition of a family member s/he is caring for. Pontiac Schools utilizes the Department of Labor FMLA Physician Certification forms. These forms are available on the district website, in the Human Resources Office, and on the Department of Labor www.dol.gov, website. Pontiac Schools may require a second opinion (at the expense of the district). If the first and second medical opinions differ, Pontiac Schools, at its own expense, may require a binding opinion of a third healthcare provider approved jointly by the District and employee.

J. Subsequent Re-certification

Pontiac Schools may require that the eligible employee obtain subsequent FMLA recertification on a reasonable basis. Depending on the scope and type of leave, the District may request a medical re-certification every 30 days.

K. Group Health Benefits

The employee granted a leave under this policy, if receiving insurance benefits, will continue to be covered under the District's group, health, life, dental, optical, and long-term disability plan under the same conditions as would have been provided if they had been continuously during the leave period.

Employees who normally pay all or a portion of healthcare premiums prior to the leave of absence must continue to pay his/her share of the premiums during the leave of absence. If the premiums are raised or lowered during this time, the employee will be required to pay the new premium rates. Should an employee stop paying premiums the coverage will be cancelled. If an employee's contribution is more 30 days late, the District may terminate the employee's insurance coverage until such time as s/he returns to active employment.

L. Medical Release from a Physician

Employees who take a leave because of personal health problems will be required to furnish a medical release from their healthcare provider, acceptable to Pontiac Schools, attesting they are able to perform the essential functions of their job without injuring themselves or others. The medical release must be provided before the employee returns to work.

Definitions of Serious Health Conditions Entitling and Employee to FMLA Leave:

1. Hospital Care: Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with or because of such inpatient care. A period of

incapacity means an inability to work, attend school, or perform other regular daily activities due to the serious health condition; treatment for or recovery from the serious health condition.

2. Absence Plus Treatment by a Healthcare Provider: A serious health condition involving continuing treatment by a healthcare provider includes a period of incapacity of more than three consecutive calendar days, including subsequent treatment or period of incapacity relating to the same condition that also involves:
 - (a) Treatment Two or More Times: by a healthcare provider, by a nurse or physician's assistant under the direct supervision of a healthcare provider, or by a provider (e.g. physical therapist) under orders of, or on referral by a healthcare provider. Treatment includes examination to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.
 - (b) Continuing Treatment: by a healthcare provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). A regimen of continuing treatment that involves the taking of over the counter medications such as aspirin, antihistamines, or salves; or bed rest drinking fluids, exercise , and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for the purposes of FMLA leave.
 - (c) Pregnancy/Prenatal Care: Any period of incapacity due to pregnancy or for prenatal care.
 - (d) Chronic Conditions Requiring Treatment: A chronic condition is one which:
 - Requires periodic visits for treatment by a healthcare provider, or by a nurse or physician's assistant under the direct supervision of a healthcare provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition; and
 - May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.)
3. Examples of Conditions that are Not Serious Health Conditions: Cosmetic treatments and minor illnesses are not serious health conditions. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, flu, ear aches, upset stomach, minor ulcers, headaches, other than

migraine, routine dental or orthodontia problems, periodontal disease, etc. are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

For further information about the federal guidelines, please visit:

<http://www.dol.gov/whd/fmla>