

## GBAD FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act provided that effective August 5, 1993, the District will grant job protected family and medical leave to eligible employees for up to twelve (12) weeks per twelve (12) month period for any one or more of the following reasons:

- A. The birth of a child and/or in order to care for such child or in placement of a child with the employee for adoption or foster care (leave taken for this reason must be taken within the 12 month period following the child's birth or placement with the employee): or
- B. In order to care to an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition: or
- C. The employee's own serious health condition that makes the employee unable to perform the functions of his position.

### Definitions

- A. 12 Month Period – means a rolling 12 month period measured backward from the date the leave is taken and continuous with each additional leave day taken.
- B. Spouse – does not include unmarried domestic partners. If both parties work for the School District their total leave in any 12 month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.
- C. Child – means a child under 18 years of age, or 18 years of age or older who is incapable of self care because of mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibilities for care and include a biological, adopted, foster, or stepchild.
- D. Serious Health Condition – means an illness, injury, impairment, or a physical or mental condition that involves:

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1. Inpatient care; or
2. Any period of incapacity requiring absence from work for more than (3) three calendar days and that involves continuing treatment by a health care provider; or
3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three (3) calendar days; or
4. Prenatal care by health care provider.

#### E. Continuing Treatment Means

1. Two (2) or more visits to a health care provider; or
2. Two (2) or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
3. A single visit to a health care provider that results in a regimen of continuing treatment; or
4. A serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision or, but not necessarily being actively treated by, a health care provider.

#### Coverage and Eligibility

To be eligible for family/medical leave an employee must:

1. Have worked for the District for at least twelve (12) months; and
2. Have worked at least 1250 hours for the District over the previous twelve (12) month period.
3. Eligibility requirement may be waived by the Superintendent.

#### Intermittent or Reduced Leave

- A. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when “medically necessary.”

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1. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
  2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.
- B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with the Employer’s consent.
- C. For part-time employees with family and medical leave entitlement is calculated on a pro rata basis. A weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave will be used for calculating the employee’s normal work schedule.

#### Notice Requirement

- A. An employee is required to give thirty (30) days notice in the event of a foreseeable leave. A “Request for Family/Medical Leave” form (obtained from the Business Office) must be completed by the employee and returned to the Business Office. In unexpected or unforeseeable situations, an employee must provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed “Request for Family/Medical Leave” form.
- B. If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until thirty (30) days after the employee provides notice.

#### Medical Certification

- A. For leaves taken because of the employee’s or a covered family member’s serious health condition, the employee must submit a completed “Physician or Practitioner Certification” form (obtained from the Business Office) and return the certification to the Business Office. Medical certification must be provided by the employee within fifteen (15) days after requested, or as soon as is reasonably possible.

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- B. The District may require a second or third opinion (at its own expense), periodic reports on the employee's status and intent to return to work, and a fitness for duty report to return to work.
- C. All documentation related to the employee's or family member's medical condition will be held in strict confidence.

#### Effect on Benefits

- A. An employee granted leave under this policy will continue to be covered under the District group health insurance, life insurance or long term disability plan under the same conditions as coverage would have been provided if he had been continuously employed during the leave period.
- B. Employee contributions will be required either through payroll deduction or by direct payment to the Business Office. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to change in rates that occurs while the employee is on leave.
- C. If an employee's contribution is more than thirty (30) days late, the District may terminate the employee's insurance coverage.
- D. If the District pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the District for delinquent payment (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
- E. If the employee fails to return from unpaid family /medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within thirty (30) days of failure to return for either reason), the District may seek reimbursement from the employee for the portion of the premiums paid by the District on behalf of that employee (also known as the employer contribution) during the period of leave.

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- F. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose anything accrued prior to the leave.

Job Protection

- A. If the employee returns to work within twelve (12) weeks following a family/medical leave, he will be reinstated to his former position or any equivalent position with equivalent pay, benefits, status and authority.
- B. The employee's restoration of rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

**LEGL REF:** Family and Medical Leave Act of 1993 Ref: H.R. 4986, the National Defense Authorization Act for FY 2008 (NDAA), Pub. L. 110-181.

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