

FAMILY AND MEDICAL LEAVE FOR PERSONNEL

It shall be the school system's policy to make available up to 12 weeks annually of unpaid family and medical leave to eligible employees pursuant to the Family and Medical Leave Act of 1993, as amended.

The leave will be without pay for up to 12 weeks in the "rolling" 12 -month period measured backward from the date an employee uses any FMLA leave.

An employee must substitute accrued paid sick leave for FMLA leave. Stated differently, an employee is required to exhaust his/her accrued paid sick leave concurrently with the employee's FMLA leave, where such accrued paid sick leave would otherwise be available for that purpose.

Likewise, accrued paid sick leave that would qualify as FMLA leave will be counted against the 12 weeks for FMLA leave. However, if an employee uses paid sick leave under circumstances that do not qualify as FMLA, the paid sick leave will not count against the 12 weeks of FMLA leave to which the employee is entitled. For example, paid sick leave used for a medical condition which is not a serious health condition does not count against the 12 weeks of FMLA leave entitlement.

However, the school system will not require the employee to substitute accrued paid *personal* leave days for FMLA leave.

Employees should be aware, in situations where an employee is required to exhaust his/her accrued paid sick leave concurrently with the employee's FMLA leave, that any employee delay requesting FMLA leave or in providing the school system with information sufficient to reasonably determine whether the FMLA leave may apply (or any delay required by the school system to make the eligibility determination, as allowed by law), will not prevent the school system's retroactive application/assignment of FMLA leave to the period where FMLA leave would have been applicable.

For any FMLA leave requested based on the serious health condition of the employee or of a family member, the employee must provide certification from a state licensed medical doctor supporting the request for leave.

As soon as practicable (or as otherwise required by law), an employee is expected to provide written notice to the employee's immediate supervisor when requesting FMLA leave. The notice should state the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave.

The Superintendent, or his designee, shall make the determinations (required by law for an employer) on behalf of the school system concerning matters of FMLA eligibility.

FILE: GALBEA
(Continued)

The reference to twelve (12) weeks contained herein shall be adjusted as necessary with respect to leave protections to the families of U.S. Armed Forces members that are extended by federal law.

SOURCE: Athens City Board of Education, Athens, AL
ADOPTED: February 17, 2011
LEGAL REF.: 29 U.S.C. § 2601, *et. seq.* (Family and Medical Leave Act of 1993, as amended)