

MIDWESTERN  
 INTERMEDIATE  
 UNIT #IV

No. 535

SECTION: SUPPORT EMPLOYEES

TITLE: FAMILY AND MEDICAL  
 LEAVES

ADOPTED: October 24, 2001

REVISED: January 28, 2004  
 December 19, 2007

535. FAMILY AND MEDICAL LEAVES	
1. Purpose P.L. 103-3 of 1993	<p>The purpose of this policy is to address specific leave of absence issues and to ensure the Intermediate Unit's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.</p> <p>This policy shall not diminish the rights guaranteed to employees under FMLA. Furthermore, it is agreed that nothing in the Family and Medical Leave Act shall lessen or diminish any rights contained in the collective bargaining agreements or guaranteed by statute.</p>
2. Definitions	<p><b>Eligible Employee</b> – all employees of Midwestern Intermediate Unit IV shall be eligible for leave under this policy.</p> <p><b>Parent</b> – the term means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.</p> <p><b>Reduced Leave Schedule</b> – the term means a leave schedule that reduces the usual number of hours per work week, or hours per work day, of an employee.</p> <p><b>Serious Health Condition</b> – the term means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.</p> <p><b>Son or Daughter</b> – the term means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen (18) years of age or is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.</p> <p><b>Spouse</b> – the term means a husband or wife, as the case may be.</p>

<p>3. Guidelines</p>	<p><u>Section 102. Leave Requirement</u></p> <p>(a) In General</p> <p>(1) Entitlement to leave – Subject to Section 103, an eligible employee shall be entitled to a minimum of twelve (12) work weeks of leave with all group health plan benefits provided at Board expense during the twelve-month period commencing with the first day of leave for one or more of the following:</p> <p>(A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.</p> <p>(B) Because of the placement of a son or daughter with the employee for adoption or foster care.</p> <p>(C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.</p> <p>(D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.</p> <p>(2) Expiration of Entitlement – The leave under Section 102, subsection (a)(1) subparagraphs (A) and (B) shall generally expire at the end of the twelve-month period beginning on the date of such birth or placement, except as provided for under Section 102, subsection (c)(1).</p> <p>(b) Leave taken intermittently or on a reduced leave schedule.</p> <p>(1) In General – Leave under Section 102, subsection (a)(1) subparagraph (A) or (B) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and Midwestern Intermediate Unit IV agree otherwise. Subject to Section 102, subsection (e)(2) and Section 103, subsection (b)(5), leave under subparagraph (C) or (D) of Section 102, subsection (a)(1) may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled beyond the amount of leave actually taken.</p>
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