

LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA)

The FMLA requires covered employers to provide up to 12 weeks of unpaid leave to eligible employees for certain family, medical and military service reasons. Under this policy, an eligible employee is entitled to up to 12 weeks leave in a 12-month period, calculated from the date when the leave begins.

Qualifications:

In order to qualify for leave under this policy, the employee must have: (1) worked for the District for at least 12 months; and (2) worked at least 1,250 hours during the 12-month period immediately prior to the date when leave would begin.

In addition, the employee must be taking leave under this policy for one of the reasons listed below:

- The birth of a child
- The placement of a child for adoption or foster care
- To care for a spouse, child or parent with a serious health condition
- For a serious health condition of the employee that makes the employee unable to perform the functions of his/her job
- Qualifying military family leave

Use of Accrued Vacation, Personal and Sick Time:

During leave for the birth, adoption or foster care of a child, an employee's available accrued vacation and personal time must be utilized during the unpaid FMLA leave. Accrued sick time and/or disability leave (if any) must be utilized only during any medically documented period of incapacity associated with pregnancy prior to the birth of a child, and immediately following the birth or arrival of the child, and will similarly be utilized during the unpaid FMLA leave.

During leave for a serious health condition of the employee or the serious health condition of a family member as defined under the FMLA, all the employee's accrued vacation, personal, and sick time must be utilized simultaneously with unpaid FMLA leave.

Procedure for Requesting Leave:

Except for unforeseen circumstances, all employees requesting leave under this policy must submit their request in writing to the Business Official and/or his or her designee, at least thirty (30) days in advance of the date when leave would begin. If the need for leave is not foreseeable, the employee or his/her authorized representative must provide notice as soon as practicable.

The District may require a doctor's medical certification to support a request for leave because of a serious health condition. In addition, the District may require a second opinion from a doctor of its choice, at the District's expense.

An employee who requests leave under this policy will be notified of their eligibility within **five (5)** business days after the request is made, and will be notified of the District's determination after any additional documentation, if any, is required to be returned. The Board hereby designates that all FMLA determinations shall be made by the Business Official and/or his or her designee after review of all documentation and information pertaining to the leave.

Health Insurance Benefits:

While the employee is on leave, the District will continue the employee's health insurance coverage under any group health plan at the same level and under the same conditions as if the employee had continued to be at work during the leave period. **If you are out on leave without pay, you must directly pay the District your premium share.**

Return from Leave:

Except as otherwise provided by FMLA, an employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. However, an employee does not accrue seniority during any period of unpaid leave. The Superintendent or his or her designee, may reassign a teacher consistent with the Collective Bargaining Agreement to a different grade level, or other assignment consistent with the employee's certification and tenure area.