



NOTE: *This information applies to ALL BAS Employees*

Family Medical Leave Act (FMLA)

Any Brighton Area Schools employee who misses more than five (5) days from work for personal or family illness must notify the Human Resources Dept. All “eligible” employees will be issued Family Medical Leave paperwork. Failure to obtain FMLA approval for an extended period will reflect poorly on attendance and employee evaluations and may be considered cause for dismissal from employment.

In accordance with the Family and Medical Leave Act of 1995 (FMLA), an eligible employee is entitled to 12 weeks of FMLA leave during a fiscal 12-month period, from July 1st to June 30th of each school year. The employee is entitled to be reinstated, if qualified, into the same or an equivalent position upon returning from FMLA leave.

Definitions for FMLA Purposes

Parent: the biological parent of an employee or an individual who acted in the capacity of a parent to the employee when the employee was a child. **Son or daughter:** a biological, adopted or foster child, a stepchild, legal ward, or a "child" of a person acting as a parent. A child must be under the age of 18, unless the child is incapable of self-care because of a mental or physical disability. **Spouse:** a husband or wife.

Serious health condition:

- a period of incapacity requiring absence of more than **five calendar days** from work, school, or other regular daily activities; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity due to chronic serious health condition (e.g. asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, stroke, terminal disease, etc.); or
- any absence to receive multiple treatments (e.g. chemotherapy, physical therapy, etc.).

Examples of specific conditions cited by the regulations include: pre and post natal care, heart attack, heart condition requiring bypass or valve operations, cancer, back conditions requiring extensive therapy or surgical procedures, stroke, severe respiratory problems, spinal injuries, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, treatment for allergies, stress and substance abuse.

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Eligibility

To qualify for FMLA leave, an employee must have worked for at least 12 months or 52 weeks AND have worked at least 1,250 hours during the 12-month period immediately preceding the dates of the FMLA leave.

Types of Leave

1. Regular: an employee needs time off for a continuous uninterrupted block of time (e.g., October 1 through December 8).
2. Intermittent: an employee needs to take a full day off from work due to a qualifying reason but then returns to work for a day or two and then takes a full day off for the same condition (e.g., taking a spouse for radiation treatment every Tuesday for 10 weeks).
3. Reduced: an employee needs to take only a portion of a day off or work a different schedule for a period of time (e.g., an employee must leave at 3 p.m. each day for six weeks to attend physical therapy).

Reasons for Leave

An employee may take FMLA leave for any of the following reasons:

1. The birth of a son or daughter and in order to care for such son or daughter.
2. The placement of a child with the employee for adoption or foster care.
3. To care for a spouse, son, daughter or parent with a serious health condition.
4. Because of the employee's serious health condition which renders the employee unable to perform an essential function of their job.

Leave taken for reasons 1 or 2 above must be completed within the 12-month period beginning on the date of birth or placement. In addition, if both an employee and spouse are employed by the District and request leave because of reasons 1 or 2 or to care for an employee's parent with a serious health condition, that leave may only equal a combined total of 12 weeks during any 12-month period.

Procedure for Requesting Leave

An employee requiring leave must submit a written request to their supervisor at least 30 days in advance, if the leave is foreseeable. When the leave is not foreseeable, an employee should notify their immediate supervisor as soon as practicable (within one or two business days) of the need for FMLA leave. In addition, if an employee is planning a medical treatment or is requesting intermittent or reduced schedule leave, a reasonable effort should be made to schedule the treatment or time off to minimize disruption of the employee's department. Applications for requesting FMLA leave may be obtained from the Department of Human Resources.

Medical Certification of a Serious Health Condition

If an employee is requesting FMLA leave for their own or a covered relation's serious health condition, a completed Medical Certification must be submitted within 15 days from the date of the notification. Failure to provide medical certification when requested may result in denial of FMLA leave until such certification is received. **Failure to obtain FMLA approval and protection for employee absences could result in termination of employment with the District.** The District

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may, at its expense, select a physician to provide a second opinion if there is doubt as to the validity of the medical certification. If an employee is requesting intermittent or regularly scheduled FMLA leave, the Medical Certification should state the medical necessity for using such leave and include the dates and duration of treatment. Medical Certification forms may be obtained from the Department of Human Resources.

FMLA Coordination with Workers' Compensation

Days off due to a work related injury will be designated as FMLA leave if the criteria for FMLA leave is met. These leaves will run concurrently while the employee is covered under workers' compensation.

Reporting While on Leave

An employee must give notice as soon as practicable (within two business days, if possible) if the dates of FMLA leave change or need to be extended beyond the dates originally approved. New medical documentation will be required to extend FMLA leave beyond the dates originally approved.

Employee Status and Benefits During Leave

While an employee is on leave, the District will continue the employee's health benefits at the same level and under the same conditions as if the employee had continued to work. If an employee is on paid leave, the District will continue payroll deductions for the health insurance premiums as well as any life insurance or other voluntary benefit plan.

Returning to Work

When an employee who has been out on FMLA leave for their own serious health condition is ready to return to work, a Return to Work form which has been completed by their doctor must be submitted to the Department of Human Resources. It is an employee's personal responsibility to ensure the form is completed and returned to the Department of Human Resources within the proper time frame. An employee will not be allowed to return to work until the completed form is received. If an employee is not fully recovered, it will be the decision of the employee's department head whether or not the employee may return to work under the restrictions indicated by the physician. An employee returning from FMLA leave is entitled to be reinstated, if qualified, into the same or an equivalent position with equivalent employment pay, benefits and other terms and conditions of employment.

BESPA & Non-Affiliated Holiday Pay

BESPA & Non-Affiliated employees who are on any type of leave will not receive holiday pay (per BESPA Contract), if their leave is over a holiday period. In order to receive holiday pay, BESPA and Non-Affiliated employees must work the day before and the day after a holiday.