

POLICY SUB-COMMITTEE MEETING

Regular Meeting

Griswold Board of Education

Superintendent's Office

211 Slater Avenue

Griswold, CT 06351

**TUESDAY,
January 7th, 2025
5:00 PM**

1. Call to Order
2. Approval of the minutes—December 10th, 2024
3. Review, Discussion, and Possible Action to Approve Revised Policy 4152.6/4252.6—
Personnel—Certified/Non-Certified—Personal Leaves—Family and Medical Leave Act
4. Review, Discussion, and Possible Action to Approve Revised Regulation
4152.6/4252.6—Personnel—Certified/Non-Certified—Personal Leaves—Family and
Medical Leave Act
5. Review, Discussion, and Possible Action to Approve New Policy 4222—Personnel—
Non-Certified Paraeducators /Title 1 Paraeducators
6. Review, Discussion, and Possible Action to Approve New Bylaw 9273 Civility Code
7. Anything that May Properly Come Before the Committee
8. Next Meeting: Tuesday, February 11TH, 2025
9. Adjourn

**POLICY SUB-COMMITTEE MEETING
GRISWOLD BOARD OF EDUCATION**

**TUESDAY,
December 10th, 2024**

DRAFT

1. A regular meeting of the Griswold Board of Education’s Policy Subcommittee took place on Tuesday, December 10th, 2024, at Griswold Middle School, in the Superintendent’s Office, located at 211 Slater Avenue, Griswold, Connecticut. The Policy Subcommittee meeting was called to order at 5:00 PM by Yvonne Palasky, Chair of the Policy Subcommittee.

PRESENT Yvonne Palasky, GPS Policy Subcommittee Chair; Mary Beth Malin and Jaimee O’Neill-Eaton, GPS Policy Subcommittee Members.

ALSO PRESENT Sean McKenna, GPS Superintendent of Schools.

ABSENT

2. Approval of the Special Meeting Minutes—November 7th, 2024

MOTION By Jaimee O’Neill-Eaton
Seconded by Mary Beth Malin
To approve the special meeting minutes of November 7th, 2024, as presented.
Motion unanimously carried.

3. Review, Discussion, and Possible Action to Approve Revised Policy 4152.6/4252.6 – Personnel – Certified/Non-Certified – Personal Leaves – Family and Medical Leave Act.

MOTION By Jaimee O’Neill-Eaton
Seconded by Mary Beth Malin
To table this revised policy at this time and bring it back to the next Policy subcommittee meeting.
Motion unanimously carried.

4. Review, Discussion, and Possible Action to Approve Revised Regulation 4152.6/4252.6 - Personnel – Certified/Non-Certified – Personal Leaves – Family and Medical Leave Act.

MOTION By Jaimee O’Neill-Eaton
Seconded by Mary Beth Malin
To table this revised regulation at this time and bring it back to the next Policy subcommittee meeting.
Motion unanimously carried.

5. Review, Discussion, and Possible Action to Approve Revised Policy 6148 – Instruction – FAFSA Completion Program

MOTION

By Jaimee O'Neill-Eaton
Seconded by Mary Beth Malin
To move forward revised policy 6148 – Instruction – FAFSA Completion Program, to the full Board for review, discussion, and action.
Motion unanimously carried.

6. Review, Discussion, and Possible Action to Approve New Bylaw 9273 – Civility Code

MOTION

By Jaimee O'Neill-Eaton
Seconded by Mary Beth Malin
To table this new Bylaw at this time and bring back to the next Policy subcommittee meeting.
Motion unanimously carried.

7. Anything Else that May Properly Come before the Committee – There was no other business discussed.

8. Next Meeting: Tuesday, January 7th, 2025 – The Policy subcommittee will hold their next regular meeting on Tuesday, January 7th, 2025 at 5 PM.

9. Adjourn

MOTION

By Jaimee O'Neill-Eaton
Seconded by Mary Beth Malin
To adjourn the regular Policy meeting at 5:39 PM.
Motion unanimously carried.

Minutes prepared by: Sean McKenna/Robin Drobiak

Personnel -- Certified/Non-Certified

Personal Leaves

This is the current policy and regulation.
The new policy and regulation cover the
new changes and the new applicable laws.

Family and Medical Leave Act

The Board will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. Eligible employees (employment for at least one-year and at least 1,250 hours actually worked in the twelve month period immediately preceding the commencement of the leave) are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

The District will continue to pay the District's share of the employee's health benefits during the leave. In addition, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay and other conditions of employment after the termination of the leave in accordance with Board policy and collective bargaining agreements.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" as defined by Department of Labor regulations arising out of a covered family member's covered active duty or Federal call to covered active duty (includes National Guard and Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (including as a member of the National Guard or Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating;
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service; and/or
- To care for a parent of a military member called to active duty provided the military member is the spouse, (including same-sex marriages*), parent or child of the employee.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period. Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee's own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

The Board, in compliance with state statute, shall provide to its employees who are a party to a civil union with the same family and medical leave benefits under the federal Family Medical Leave Act (FMLA) as are provided to employees who are party to a marriage. The term "marriage" includes a same-sex marriage or common law marriages that either was entered into in Connecticut or another state that recognizes such marriages or if entered into out of Connecticut is valid in the place where entered into and could have been entered into in at least one state. In addition, the Board shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA's regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.
Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).
Final Rule – published in Federal Register, Vol. 78, Wed. February 6, 2013.
Final Rule – published in Federal Register, Vol. 80, No. 37, Wednesday, February 25, 2015
Connecticut General Statutes
46b-3800 Applicability of statutes to civil unions and parties to a civil union.
PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.
PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees
United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)
Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

**Due to the Obergefell Supreme Court Decision, there is no distinction under the law between same sex and opposite sex spouses. It is advisable to refer to “marriage” and “spouse.”*

Policy adopted: March 9, 2015
Policy revised: May 9, 2022

GRISWOLD PUBLIC SCHOOLS
Griswold, Connecticut

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act

The following administrative regulations apply only to the Family and Medical Leave Act (FMLA).

For purposes of this regulation the term "marriage" is defined to include a same-sex marriage that is legally recognized as a marriage under state law in Connecticut.

For purposes of this regulation, the term "spouse" refers to any individuals who are lawfully married under any state law, including common law marriages and individuals married to a person of the same sex who were legally married in a state that recognizes such marriage.

Eligibility

An employee who has worked for the District for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave. The 12 months of employment need not be consecutive months. Hours worked includes all hours, including overtime, an employee works but does not include paid leave time such as vacations, sick or personal leave, holidays etc. Full time professional instructional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement. Pursuant to USERRA, an employee returning from fulfilling his/her National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether he/she worked the 1,250 hours of service in the District. (§825.110)

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

For purposes of FMLA leave a 12-month period is the district's fiscal year, July 1 through June 30. *(Note: the district has the option of designating another 12-month period based on calendar year or other criteria set out in the act. The other options include calendar year; the 12-month period measured forward from the date of an employee's first FMLA leave date; 12 month period measured backward from the date the employee takes any FMLA leave.)* The 12 months of employment need not be consecutive months.

Personnel -- Certified/Non-Certified

Personal Leaves

Family and Medical Leave Act (continued)

Serious Health Condition

A "serious health condition" that would entitle an employee to FMLA leave is one involving continuing treatment by a health care provider that results in a period of incapacity of more than three consecutive calendar days and involves either treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion followed by a regimen of continuing treatment under the supervision of the health care provider.

Over the counter medication, bed rest, taking of fluids, exercise and other activities that can be initiated without a visit to a health care provider do not constitute continuing treatment.

Chronic conditions such as asthma and diabetes are considered a serious health condition even if individual episodes of incapacity do not last more than three days. Furthermore, conditions need not be chronic or long term when the condition is one which is not ordinarily incapacitating but for which multiple treatments are given because the condition would likely result in a period of incapacity of more than three calendar days in the absence of medical intervention. Regarding long-term chronic conditions, the condition need not be incurable. The condition may involve a permanent or long-term incapacity and be one for which treatment may not be effective. (29 C.F.R. 825.114.)

Health Care Provider

The definition of "health care provider" includes any health care provider recognized by the employer or accepted by the group health plan of the employer. It also includes clinical social workers. (29 C.F.R. 825.118.)

Types of Leave

An eligible employee may take FMLA leave for: (§825.200)

- the birth and first-year care of a child; (§825.120)
- the adoption or foster placement of a child; (§825.121)
- the serious illness of an employee's spouse, parent or child; (§825.113, §825.122)
- the employee's own serious health condition that keeps the employee from performing the essential functions of his/her job; (§825.113, §825.123)
- to care for an eligible member* of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, or is otherwise on the temporary disability list for a serious injury or illness; (§825.122, §825.123)

*spouse, son, daughter, parent or next of kin

Personnel -- Certified/Non-Certified

Personal Leaves

Types of Leave (continued)

- a qualifying exigency (such as making legal, financial, and child care arrangements and taking care of family obligations), as defined by Department of Labor regulations of a spouse, child, or parent of the employee who is on covered active duty in the Armed Forces or has been notified of an impending call or order to covered active duty status in the Armed Forces including deployment to a foreign country or to international waters; and
- a veteran suffering a service related illness or injury that was incurred or aggravated while on active duty (or existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active service) within five years after a veteran leaves service.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal or medical/sick leave for purposes of a medical leave. An employee cannot compel the District to permit the employee to use accrued medical/sick leave in any situation, which the leave could not normally be used.

All FMLA absences for the same qualifying reason are considered a single leave and the employee maintains eligibility as to that reason for leave throughout the applicable 12-month period.

An eligible employee for FMLA leave must receive at the time of their eligibility notice a written notice of "Rights and Responsibilities" detailing their specific expectations and obligations and explaining the consequences of their failure to meet these obligations. This notice shall include any requirement to provide medical certification, the right to substitute paid leave, payment for benefits and job restoration rights upon expiration of the leave.

Spouses Employed by the School District

If spouses, as defined in this regulation, eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for a parent-in-law.

Unforeseeable, Continuous, Intermittent and Reduced Leave

Unforeseeable leave involves situations such as emergency medical treatment or premature birth.

Continuous leave is taken for a set number of days or weeks.

Intermittent leave is leave taken in separate blocks of time due to a single illness or injury rather than one continuous period of time.

Personnel -- Certified/Non-Certified

Personal Leaves

Unforeseeable, Continuous, Intermittent and Reduced Leave (continued)

Reduced leave is a leave schedule that reduces employee's usual number of hours per work week, or hours per work day.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Such leave may not be used for the birth or adoption/placement of a child or to care for a newborn or recently adopted child. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the district's operation.

The employee who wishes to use intermittent or reduced leave shall, whenever possible, give prior notification to the District. Although the District and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave but the district may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave provided said leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend. The employee must furnish the District with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.

Employee Entitlement to Service Member FMLA

The federal FMLA and the Connecticut paraprofessional FMLA provisions entitle eligible employees to take leave for a covered family (spouse, son, daughter, parent) member's service in the Armed Forces. Except as listed in this section, an employee's rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A "qualifying exigency" arising out of a covered family member's active duty or call to covered active duty in the Armed Forces including deployment to a foreign country or to international waters may include issues arising from short notice deployment, attending certain military events, arranging for alternate childcare, attending school activities, addressing certain financial and legal arrangements, attending certain counseling sessions, engaging in rest and recuperation, parental care and attending post-deployment reintegration briefings as well as participating in additional activities arising out of the active duty or call to active duty. In order to secure leave for a qualifying exigency, employees must submit a completed DOL Form WH-384 along with a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the military member's covered active duty service. DOL Form WH 384 must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee;

Personnel -- Certified/Non-Certified

Personal Leaves

Employee Entitlement to Service Member FMLA (continued)

- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces including a member of the National Guard or Reserves, provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating; and/or
- To care for a veteran suffering a service related illness or injury, as long as the veteran was a member of the Armed Forces, National Guard, or Reserves within five years of requiring care.

When leave is due to a "qualifying exigency" of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Eligible employees can take more than one period of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

Leave that qualifies both as leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the "single 12-month period" cannot be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

Employees are not obligated to provide notice to the District when they first become aware of a covered family member's active duty or call to active duty status. An employee's obligation to provide notice of leave due to a qualifying exigency is triggered when the employee first seeks to take such leave. Where this leave is foreseeable, eligible employees must provide notice to the District that is "reasonable and practicable."

In compliance with the final FMLA rule, §825.310, separate certification requirements shall be utilized for military caregiver leave. The District shall use the DOL WH-385 (Revised February 2013) form in obtaining medical certifications of Military Caregiver Leave.

When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the covered service member (either currently serving service member or covered veteran). Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent or next of kin of a covered service member.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

In order to secure this extended leave, employees must submit a completed DOL Form WH-385 (current service member) or WH-385 (veteran). This Form must be completed and returned within 15 days of the date the district distributes the Form to the employee.

Definitions

Covered Service Member: A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy, and was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Covered Active Duty: In the case of a member of a regular component of the Armed Forces, duty during deployment of the member of the Armed Forces to a foreign country; and in the case of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. §101(a)(13)(B).

Next of Kin: The nearest blood relative of an individual. (In this order: brother, sister, grandparents, aunts, uncles, first cousins) Excluded are the covered service member's spouse, parent, son or daughter, as they already are entitled to leave for this purpose. A covered service member may designate, in writing, another blood relative as his or her nearest blood relative for purposes of military caregiver FMLA leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to care for the covered service member either consecutively or simultaneously. When a designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

Personnel -- Certified/Non-Certified

Personal Leaves

Definitions (continued)

Outpatient Status: With respect to a covered service member, this means the status of a member of the Armed Forces assigned to:

- (a) a military medical treatment facility as an outpatient; or
- (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Qualifying Exigency The U.S. Department of Labor's definition of this term includes the following eight (8) situations: (1) short-notice deployment, (2) military events and related activities, (3) childcare and school activities, (4) financial and legal arrangements, (5) counseling, (6) rest and recuperation, (7) post deployment activities, and (8) additional activities to address other events which arise out of the covered military member's active duty or call to active duty status, provided the employer and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave. (See form WH-384)

"Single 12-Month Period" The U. S. Department of Labor has determined that for purposes of military caretaker leave is a period that commences on the date an employee first takes leave to care for a covered service member with a serious injury or illness.

Serious Injury or Illness: In the case of a current member of the Armed Services, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

In the case of a covered veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period of five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces or existed before the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran, and is

Personnel -- Certified/Non-Certified

Personal Leaves

Definitions (continued)

- (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

In order to secure this extended leave, employees must submit a completed DOL Form WH-385 (current service member) or WH-385V (veteran). This Form must be completed and returned within 15 calendar days of the date the District distributes the Form to the employee.

Leave to Care for a Covered Service Member

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall:

1. make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the District; and
2. provide the District with at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The Board of Education may require that a request for leave to care for a covered service member be supported by a certification issued by the health care provider of the person in need of care. The employee shall provide, in a timely manner, a copy of such certification to the District.

Personnel -- Certified/Non-Certified

Personal Leaves

Leave to Care for a Covered Service Member (continued)

Certification will be sufficient if it states:

1. the date on which the serious health condition or serious injury or illness commenced;
2. the probable duration of the condition; and
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition.

If leave is to be taken on an intermittent or reduced leave schedule for planned medical treatment, the certification must contain the dates on which such treatment is expected to be given and the duration of such treatment.

Leave Related to Active Duty or a Call to Active Duty

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to active duty is foreseeable, the employee shall give such notice to the District as is reasonable and practicable.

The Board may require that a request for leave because of a qualified exigency arising from the fact that the employee's spouse, son, daughter, or parent or covered service member is on covered active duty or has been notified of an impending call to covered active duty be supported by a certification issued in accordance with regulations issued by the Secretary of Labor. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the school district.

Benefits

The District will maintain the employee's health coverage under the District's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the District to pay the employee's share of health insurance (e.g. family coverage) prior to the beginning of the FMLA leave.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Notice

When the FMLA leave is foreseeable, the employee must notify the District in writing of his/her request for leave at least 30 days prior to the date when the leave is to begin. The employee must explain the reasons for the needed leave so as to allow the District to determine whether the leave qualifies under FMLA. Failure to give notice may result in the leave beginning thirty days after notice was received. If the leave is not foreseeable, the employee must give notice as early as is practical under the facts and circumstances of the particular case, but no later than one to two work days after learning that leave will be necessary. A spouse or family member or other responsible party may give the notice if the employee is unable to personally give notice. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the District's operations.

The District, as required, will post and keep posted on its premises, a notice explaining the provisions of FMLA and with information concerning the procedures for filing complaints of violations of the Act. Electronic posting is sufficient to meet this posting requirement. The notice must be posted even if the District has no FMLA-eligible employees. The FMLA notice, in the absence of an employee handbook, shall be given to each employee when hired.

The District, when a request for FMLA leave is received, will provide the employee the following information, listing the employee's obligations and requirements:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

(This notice may be accompanied by the FMLA medical certification form if the District requests its employees to complete such form. The notice of rights and responsibilities may be distributed electronically.)

Personnel -- Certified/Non-Certified

Personal Leaves

Notice (continued)

The District must notify the employee, in writing, of his/her eligibility to take FMLA leave within five (5) business days of receiving said request, with medical certification(s) and any other required information, absent extenuating circumstances. The District may provide the "Eligibility" and "Designation" notices at the same time if there is sufficient information to do so.

In situations where the District has failed to provide timely notice and the delay does not cause the employee harm or injury, retroactive notice may be provided. In all cases where leave would qualify for FMLA leave protection, the District and the employee can mutually agree that the leave be retroactively designated as FMLA leave.

District failure to provide required notice can be considered "interference" with an employee's FMLA rights.

The District may deny the leave if the employee does not meet the notice requirements.

Certification

The District shall require the employee to provide certification of the employee's serious health condition from a health care provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification a second, and, if necessary, a third opinion can be required both at the expense of the District. The health care provider designated or approved by the District may not be employed by the school system on a regular basis. In the case of a third opinion, the opinion of the third health provider will be binding on both the school district and the employee. The District shall also require the employee to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

If the leave was for reasons related to the employee's serious health condition, upon the employee's return to work, the District will require that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

The required certifications must be obtained from the health care provider who is treating the individual with the serious health condition.

Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.

Personnel -- Certified/Non-Certified

Personal Leaves

Certification (continued)

The District will utilize separate medical certificates forms when employees request leave to care for a family member with a serious health condition and for those situations when the medical need for leave is prompted by the employee's own serious health condition.

The District will notify employees, in writing, of any additional information that is necessary to complete the medical certificate and allow employees seven (7) calendar days to provide said additional information. If the employee fails to submit a complete and sufficient certification despite the opportunity to cure the deficiency, the District may deny FMLA leave.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided. The District requires sufficient FMLA certification in support of any request for FMLA leave for either the employee's own or a covered family member's serious health condition.

Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Upon request by the District, employees must provide FMLA certification even when substituting paid leave.

The District may request medical recertification for continuing, open-ended conditions, every six months. Medical recertification may be requested on a more frequent basis if there are other changed circumstances or for other reasons as outlined in the FMLA regulations.

The District may require annual medical certifications in cases where serious health conditions extend beyond a single leave year. This does not apply to certificates to support a request for injured service member leave.

Restoration

An employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the position. The District may demand more than a "simple statement" of the ability to return to work. Fitness for duty certification for intermittent leave may be requested by the District if reasonable safety concerns exist.

Personnel -- Certified/Non-Certified

Personal Leaves

Restoration (continued)

When the employee returns from leave, the District will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment shift, and geographically proximate workplace in accordance with Board policy, practices and applicable collective bargaining unit agreements. Employees are entitled to any unconditional pay increase, such as cost of living increases, that occur during the period to their FMLA leave.

Under certain circumstances, the District may deny restoration to a key employee. The District will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the District to experience a substantial and grievous economic injury.

Further, the District may deny restoration to an employee if the District shows that the employee would not otherwise be employed at time of reinstatement for reasons such as layoff, shift or special project elimination. In addition, collective bargaining agreements between the Board and employee groups will not diminish the rights of the employee established by FMLA.

A returning employee cannot be restored to a position that requires additional licensure of certification.

Employees are not entitled to accrue seniority during any FMLA leave, but taking the leave may not result in the loss of any benefits that were accrued prior to the leave.

Instructional Employees

Special rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:

1. to care for a family member, or
2. for the employees own serious health condition and is foreseeable based on planned medical treatment (i.e. chemotherapy, prenatal visits, physical therapy etc.) and
3. the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, then the District may require the employee to choose either to:

Personnel -- Certified/Non-Certified

Personal Leaves

Instructional Employees (continued)

1. take the leave for a period of a particular duration, not greater than the duration of the planned treatment; or
2. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position. However, an instructional employee cannot be transferred to an alternative position when the employee takes intermittent leave that amounts to twenty (20) percent or less of the total number of working days in the period during which the leave would extend.

Intermittent leave is not available to take care of a newborn or recently adopted child.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester the District may require the employee to continue taking leave until the end of the semester if:

1. the leave will last at least three weeks, and
2. the employee would return to work during the three-week period before the end of the semester.

An instructional employee, required to extend his/her leave by the District, shall not have the "extra" leave counted against the employee's 12 work week entitlement unless the employee requests said additional leave be counted against the FMLA entitlement.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of the semester, the District may require the employee to continue taking leave until the end of the semester if:

- (1) the leave will last more than two weeks, and
- (2) the employee would return to work during the two-week period before the end of the semester.

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester, and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave may not be counted against an employee during times (vacation periods) when they are not normally required to work.

When the employee is required to take leave until the end of the semester, only the time until the employee is "ready and able" to work shall be charged to FMLA leave.

Personnel -- Certified/Non-Certified

Personal Leaves (continued)

Failure to Return

The District is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee.

Miscellaneous

1. An employee's serious health condition may also be a disability within the meaning of the Americans with Disability Act (ADA) which may also trigger requests for paid leave or workers' compensation benefits. The District may follow procedures for requesting medical information under the ADA or paid leave or worker's compensation programs without violating the FMLA. The District may also consider any information received pursuant to such procedures or benefit programs in determining an employee's entitlement to FMLA-protected leave.
2. When employees seek leave due to an FMLA-qualifying reason for which the District has previously provided FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
3. The District requires employees to comply with all usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. The requirements include providing written notice of the reasons and anticipated start and duration of the leave or requirement that employees contact a specific individual of the District to request leave.
4. If there is a dispute between the District and an employee as to whether leave qualifies as FMLA leave, it shall be resolved through discussions between the District and the employee. The discussions and decisions must be documented in writing.

GRISWOLD PUBLIC SCHOOLS
Griswold, Connecticut

Request for Leave Under the
Family and Medical Leave Act of 1993, as amended

Employee Name: _____ Date of Request: _____
School/Department: _____ Position/Title: _____
Hire Date: _____ Date of Request: _____

(An employee wishing to request leave may make such request by filling out the information contained in this box at the top of this form. Use of this form by the employee is not mandatory.)

Employee requesting FMLA leave: _____
(Employee's name)

Please be advised that as of _____, I give you notice of my need to take
(today's date)

family/medical leave due to:

- Birth of a child, or the placement of a child for adoption or foster care.
- Serious health condition for which I need care and makes it unable for me to perform the functions of my position.
- Serious health condition affecting my spouse*, child, parent, for which I am needed to provide care.
- "Qualifying exigency" arising from my spouse*, child, parent, being on active duty or ordered to active duty in the Armed Forces.
- Need to care for a wounded service member or a honorably discharged veteran affecting spouse*, child, parent, myself or next-of-kin.

If the duration of my family/medical leave does not exceed twelve (12) weeks (26 weeks if leave is to care for an injured or ill service member) I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed twelve weeks (26 weeks if leave is to care for an injured or ill service member, I will be returned to my same or similar position, only if available in accordance with applicable laws. If the same or similar position is not available, I understand that I may be terminated.

I need this leave beginning on _____, and I expect the leave to continue until on
(Date)

or about _____
(Date)

Employee Signature

Date

*The term spouse includes partners in a same-sex marriage or common law marriage.

GRISWOLD PUBLIC SCHOOLS
Griswold, Connecticut

Response to Request for Leave Under the
Family and Medical Leave Act of 1993, as amended

To: _____ From: _____
(Employee's Name) (Name of appropriate Employer representative)

On _____, you notified us of your need to take family/medical leave due to:
(Date)

- The birth of a child, or the placement of a child for adoption or foster care.
- A serious health condition for which you need care that makes you unable to perform the functions of your position.
- A serious health condition affecting your spouse*, child, parent, for which you are needed to provide care.
- A "qualifying exigency" arising from my spouse*, child, parent, being on active duty or ordered to active duty in the Armed Forces, or
- The need to care for a wounded service member or an honorably discharged veteran affecting spouse*, child, parent, myself or next-of-kin.

You notified us that you need this leave beginning on _____, and that you expect the leave to continue until on or about _____.
(Date)

(*This response should be used in all cases, even if notice has only been given verbally.)

Except as explained below, you have a right under the FMLA to receive up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above (except leave for care of a covered service member is up to twenty-six weeks in a single 12 month period). Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are eligible not eligible for leave under the FMLA or Service Member FMLA.
2. The requested leave will will not be counted against your annual FMLA leave entitlement.

*The term spouse includes partners in a same-sex marriage or common law marriage.

3. You will will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (must be at least 15 days after you are notified of this requirement) or we may delay the commencement of your leave until the certification is submitted.
4. You may elect to substitute accrued paid/unpaid leave for unpaid FMLA leave. We will will not require that you substitute accrued paid/unpaid leave for unpaid FMLA leave. If accrued leave will be used, the following conditions will apply: (Explain which leave will be substituted, and any other relevant conditions.) _____

5. If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments by the last business day of the month for coverage for the following month. You have a thirty (30) day grace period in which to make payment. If payment has not been made in a timely fashion, your group health insurance may be cancelled, or at our option, we may pay your share of the premium during FMLA leave and receive these payments from you upon your return to work.
6. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until such certification is provided.
7. You will will not be required to furnish us with periodic reports of your status and intent to return to work every 30 days while on FMLA leave.
8. You will will not be required to furnish recertification every 30 days relating to a serious health condition. (Explain below, if necessary.)
- 9a. You are are not an "instructional employee" as described in §825.600 of the FMLA regulations.
- 9b. We have determined that your leave request will will not be modified, as permitted by law regarding an instructional employee. If modified, the following conditions or alternatives apply:
- 10a. You are are not a "key employee" as described in §825.218 of the FMLA regulations. If you are a "key employee", restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.
- 10b. We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous harm to us. (Explain (a) and/or (b) below.) _____

Summary of Family and Medical Leave Act

GRISWOLD PUBLIC SCHOOLS Griswold, Connecticut

The purpose of the Family and Medical Leave Act is to provide an unpaid leave of absence which enables employees to be absent from work for up to 12 work weeks without losing certain benefits. Such requests must be submitted in writing to the Superintendent. Such requests will be approved in accordance with the procedure outlined below and in compliance with the Family and Medical Leave Act.

Eligible Employees

Employees are eligible for family and medical leave under the Family and Medical Leave Act of 1993 if these criteria are met:

1. The employee has worked for the District for at least twelve months or 52 weeks. (The months and weeks need not be consecutive.)
2. The employee has worked at least 1,250 hours within the previous year. Full time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.
3. A paraprofessional is also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave.
4. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

Eligible Reasons for Family and Medical Leave

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
2. Because of the placement of a son or daughter with the employee for adoption or foster care.
3. In order to care for the spouse, or a son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Summary of Family and Medical Leave Act

Employee Obligations

When an employee requests family and medical leave, the school District will provide the employee with information listing the employee's obligations and requirements. Such information will include:

1. A statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement.
2. A reminder that employees requesting family and medical leave for a serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so.
3. An explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school District requires substitution of paid leave and the conditions related to the substitution.
4. A statement notifying employees for paying any premium or other payments to maintain health or other benefits.

Types of Leave

1. Foreseeable Family and Medical Leave

- a. Definition – Leave is foreseeable for the expected birth or placement of a child or for planned medical treatment.
- b. The employee must give at least thirty days' notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
- c. An employee must consult with the District prior to scheduling planned medical treatment to minimize disruption to the District. The scheduling of the planned medical treatment is subject to the approval of the health care provider.

2. Unforeseeable Family and Medical Leave

- a. Definition – Leave is unforeseeable in such situations as emergency medical treatment or premature birth.
- b. An employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
- c. A spouse or family member may give the notice if the employee is unable to personally give notice.

Summary of Family and Medical Leave Act

Types of Leave (continued)

3. Continuous, Intermittent, and Reduced Leave

- a. Continuous – Employee will not report to work for a set number of days or weeks.
- b. Intermittent – Employee requests family and medical leave for separate period of time.
- c. Reduced – Employee’s usual number of working hours per work week or hours per day are reduced.
- d. Intermittent and Reduced Leave
 - (1) Intermittent leave is available for the serious health condition of the employee, spouse, parent or child when medically necessary, or to care for a covered service member with a serious illness or injury.
 - (2) In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to the District’s operation.
 - (3) During the period of foreseeable intermittent or reduced leave, the District may temporarily move the employee to an alternative position with equivalent pay and benefits that would better accommodate recurring periods of leave, provided the leave amounts to more than twenty (20) percent of the total number of working days in the period during which the leave would extend.

4. Service Member Family and Medical Leave

The federal FMLA and Connecticut paraprofessional FMLA entitles eligible employees to take leave for a covered family member’s service in the Armed Forces. Except as listed in this section, an employee’s rights and obligations to service member FMLA leave are governed by existing FMLA policy and regulations.

Service member FMLA provides eligible employees unpaid leave for a covered family member’s service in the Armed Forces, for any one or for a combination of the following reasons:

- A “qualifying exigency” as defined by Department of Labor regulations arising out of a covered family member’s covered active duty or Federal call to covered active duty (includes National Guard and Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred serious injury or illness in the line of duty while on covered active duty in the Armed Forces (including as a member of the National Guard or Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member’s office, grade, rank or rating;

Summary of Family and Medical Leave Act

Types of Leave (continued)

- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service; and/or
- To care for a parent of a military member called to active duty provided the military member is the spouse, parent or child of the employee.

When leave is due to a “qualifying exigency” as defined by Department of Labor regulations of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 month period. Such leave may be taken on an intermittent or reduced leave schedule basis.

When such leave is to care for an injured or ill service member, an eligible employee (spouse, son, daughter, parent or next of kin) may take up to 26 work weeks of leave during a single 12 month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period.

Service member FMLA runs concurrent with any other leave entitlements provided under federal, state or local law.

Use of Paid Leave

Employees may be required to use paid leave and vacation days at the start of the leave. The remainder of the days will be unpaid. Employees may elect to substitute accrued paid leave for unpaid family and medical leave.

Medical Certification

1. An employee shall be required to present medical certification of the employee’s serious health condition and inability to perform the functions of the position of the employee.
2. An employee shall be required to present medical certification of the family member’s serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
3. An employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
4. The District may require the employee to obtain a second certification by a health care provider chosen by and paid for by the District if the District has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the District on a regular basis.

Summary of Family and Medical Leave Act

Medical Certification (continued)

5. If the second health care provider disagrees with the first health care provider, then the District may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the District.
6. Medical certification must be provided fifteen days after the request for medical certification unless it is impracticable to do so. Employees taking family and medical leave for the birth, adoption or foster care of a son or daughter are not required to obtain a medical certification. The District may request recertification every thirty days. Recertification must be submitted within fifteen days of the District's request.
7. Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided.
8. Any absence for illness for more than three (3) working days must be verified by a medical doctor. Verification must also be presented when requesting FMLA leave to care for the employee's spouse, son, daughter or parent with a serious health condition.

Continuation of Benefits

The employer must, if the employee elects to do so, maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee remained at work for the twelve week period. Accruals for vacation, sick and holiday pay will be suspended during the leave and will resume upon return to active employment. Should an employee fail to return from a leave taken pursuant to the Family and Medical Leave Policy, the District may recover any premiums it has paid for maintaining group insurance during the employee's leave unless the employee's failure to return is prevented by a continuation of the employee's serious health condition or that of an affected relative or circumstances beyond the employee's control.

Employee and Spouse Both Employed by District

If an employee and the employee's spouse are both employed by the District and a leave is taken for the birth, adoption or foster care of a son or daughter, or the care of a parent, the duration of the leave taken by both the employee and the spouse must not exceed 12 weeks in total.

Position Upon Return to Work

Upon return from leave, the employee will be restored to the employee's former position or an equivalent position with similar duties, hours and pay. The provisions of the Family and Medical Leave Policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will be defined by that Act and/or applicable regulations. To the extent that this Policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND
MEDICAL LEAVE ACT

Revised October 2014

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible for federal FMLA benefits if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Paraprofessionals, as defined in state statute, are eligible if they have worked for a covered employer for at least one year, for 950 hours over the previous 12 months.

EMPLOYEE RIGHTS AND RESPONSIBILITIES **UNDER THE FAMILY AND MEDICAL LEAVE ACT**

(continued)

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

(continued)

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-800-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor Wage and Hour Division

WHD Publication 1420 – Revised February 2013

NOTICE

Military Family Leave

On January 28, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:

- (1) **New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.
- (2) **New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated is available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.



This policy is updated to include PA 24-41, section 18 reducing the number of work hours, from 1250 to 950, that non-certified school employees need to qualify for unpaid family and medical need benefits.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

The Griswold Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. This policy does not recite every provision of applicable law and regulations.

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 950 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 950-hour requirement unless the Board can demonstrate otherwise.

For purposes of this policy, a **paraeducator** means a school employee who performs instructional duties or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. An **instructional employee** is defined as a certified teacher or other employee who serves in an instructional capacity and whose function is to instruct students. The term does not include teacher assistants or non-instructional aides, nor auxiliary personnel such as school counselors, psychologists, curriculum specialists, cafeteria workers, maintenance or custodial workers, or other primarily non-instructional employees.

Leave under FMLA include the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
 - short-notice deployment;
 - military events and related activities;
 - childcare and school activities;
 - financial and legal arrangements;
 - counseling;
 - rest and recuperation;
 - post-deployment activities;

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave under FMLA include the following: (continued)

- parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active duty status of a covered military member provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave.

The Superintendent will draft administrative regulations to comply with the FMLA and subsequent updates. In developing these regulations to support policy 4152.6/4252.6, the Superintendent will provide direction and explanations covering the following areas:

- Acceptable reasons for requesting a leave under the FMLA;
- Leave scenarios and conditions;
- Leave to care for an injured or ill service member;
- Procedures for requesting a leave under the FMLA;
- Leaves under FMLA and medical treatment requirements;
- Required certifications and documentation;
- Use of paid leave;
- Medical insurance and other benefits; and
- Reinstatement.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Legal Reference: (continued)

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

PA 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

Policy adopted:
cps 6/24

Accompanying regulation.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

The Griswold Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. *(These regulations do not recite every provision of applicable law and regulations.)*

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 950 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 950 hour requirement unless the Board can demonstrate otherwise.

For purposes of these administrative regulations, a **paraeducator** means a school employee who performs instructional duties or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. An **instructional employee** is defined as a teacher or other employee who serves in an instructional capacity and whose function is to instruct students. The term does not include teacher assistants or non-instructional aides, nor auxiliary personnel such as school counselors, psychologists, curriculum specialists, cafeteria workers, maintenance or custodial workers, or other primarily non-instructional employees.

Leave under FMLA include the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
 - short-notice deployment;
 - military events and related activities;
 - childcare and school activities;
 - financial and legal arrangements;
 - counseling;
 - rest and recuperation;
 - post-deployment activities;

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave under FMLA include the following: (continued)

- parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
- additional activities that arise out of the active duty or call to active duty status of a covered military member provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave.

Types of Leave and Conditions

Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. *Intermittent leave* means leave taken for a single qualifying reason in separate periods rather than for one continuous period. *Intermittent leave* includes leave taken one day per week over a period of a few months or leaves taken on an occasional or as-needed basis for medical appointments. *Reduced schedule* leave is leave that reduces the employee's usual number of work hours per day for some period of time, as when an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule leave may be taken when medically necessary for an employee's or covered family member's serious health condition or for a covered service member's serious illness or injury, and the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently or on a reduced schedule basis due to a qualifying exigency or to effectuate the placement of a child for adoption or foster care before the placement of the child in the home. Intermittent or reduced schedule leave may be taken following the birth or placement of a healthy child only with the Board's permission.

If foreseeable intermittent or reduced schedule leave is medically required based on planned medical treatment of the employee, a family member, or a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the leave requested. This would include a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Full-Time, Intermittent and Reduced Schedule Leave (continued)

In addition, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave, which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period) if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration not to exceed the duration of the planned medical treatment.

Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a parent with a serious health condition, they will only be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12 month entitlement period. If either spouse (or both) uses a portion of the total 12 week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12 month entitlement periods.

Leave Taken by Instructional Employees Near the End of an Academic Term

If an instructional employee's leave for any reason begins more than five (5) weeks before the end of an academic term, the Board may require the employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee returns to work during the three-week period before the end of the term.

If the instructional employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

Personnel – Certified/Non-Certified

Family and Medical Leave Act (continued)

Leave to Care for an Injured or Ill Service Member

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12 month period to care for a service member who is the employee's spouse, parent, child, or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or a covered veteran with a serious injury or illness who is the employee's spouse, parent, child or next of kin.

For service members, the injury or illness must render them medically unable to perform the duties of office, grade, rank, or rating. This provision applies to service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or are on the temporary disability retired list for a serious injury or illness.

For covered veterans, they must be undergoing medical treatment, recuperation, or therapy for a serious injury or illness and must have been a member of the Armed Forces (including the National Guard or Reserves), discharged or released under conditions that were other than dishonorable, and discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran. *(The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12 month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009, and March 8, 2013. This period will effectively be excluded from the five-year calculation.)*

For covered veterans, serious injury or illness means any of the following:

- a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating;
- a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave;
- a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment;
- an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Leave to Care for an Injured or Ill Service Member (continued)

When combined with any other type of FMLA qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for a service member with a serious injury or illness, the 12 month period begins on the day such leave actually commences.

Requests for Leave

Foreseeable Leave

An employee must notify the personnel department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

Qualifying Exigency

An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

Unforeseeable Leave

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

Scheduling Planned Medical Treatment

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the personnel department and make a reasonable effort to schedule the treatment so as not to unduly disrupt the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs to leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the Board's operations unduly.

Ordinarily, the employee should consult with the personnel department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

Personnel – Certified/Non-Certified

Family and Medical Leave Act (continued)

Required Certifications/Documentation

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good-faith efforts, the employee must inform the personnel department of the reason(s) for the delay and what efforts the employee undertook to obtain the required certification.

FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification from the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work, the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the personnel department.

If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

Use of Paid Leave

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Use of Paid Leave (continued)

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers' Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

Medical Insurance and Other Benefits

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue list benefits, such as seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

Reinstatement

Except for circumstances unrelated to taking family or medical leave, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

Additional Information

Questions regarding family or medical leave may be directed to the Superintendent or designee. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Personnel – Certified/Non-Certified

Family and Medical Leave Act

Legal References: Connecticut General Statutes

31-51rr Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies 31-51rr-1, et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

PA 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

A policy to consider.

Personnel -- Non-Certified

Paraeducators/Title I Paraeducators

All support staff positions in the school system shall be established initially by the Board.

All paraeducators who provide instructional support for students in Title I Schoolwide Programs and Targeted Assistance Programs shall meet the qualifications set forth in federal law and regulations.

Support staff employees, unless otherwise designated by contract, shall be considered “at will” employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Support staff members shall be employed for such time as the district is in need of or desirous of the services of such employees.

Paraeducators

The Board shall employ teacher aides to work under the general supervision of the Superintendent and to assist teachers in such duties as:

1. Managing and maintaining records, materials, and equipment.
2. Attending to the physical needs of children.
3. Performing other limited services to support teaching duties when such duties are determined and directed by a teacher or administrator.
4. Lunchroom duties.

Qualification

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties that are hired in a Title I school program to have a secondary school diploma or its recognized equivalent and to have:

1. Completed at least two years of study at an institution of higher education;
2. Obtained an Associate’s or higher degree; or
3. Met a rigorous standard of quality through a formal state or local academic assessment.
4. The district will not hire Title I paraeducators who do not meet these standards.

Exception to these requirements may be made with regard to paraeducators who act as translators or who coordinate parent involvement activities.

The Professional Development and Evaluation Committee shall develop, evaluate, and annually update a comprehensive local professional development plan for paraeducators of the district.

Personnel -- Non-Certified

Paraeducators/Title I Paraeducators

Paraeducators (continued)

The annual program of professional development shall be made available at no cost to the paraeducator. The program must be at least eighteen (18) hours in length, with a preponderance of time spent in a small group or individual instructional setting. The professional development program must (1) be a comprehensive, sustained and intensive approach to improving paraeducator effectiveness in increasing student knowledge achievement; (2) focus on refining and improving various effective instruction methods that are shared between and among paraeducators; (3) foster collective responsibility for improved student performance; and (4) include training in culturally responsive pedagogy and practice. The program must also be comprised of professional learning that (1) is aligned with rigorous state student academic achievement standards; (2) is conducted among paraeducators at the school and facilitated by principals, coaches, mentors, distinguished educators, or other appropriate teachers; (3) occurs frequently on an individual basis or among groups of paraeducators in a job-embedded process of continuous improvement; and (4) includes a repository of best practices for instruction methods developed by paraeducators within each school that is continuously available to such paraeducators for comment and updating. The principles and practices of social-emotional learning and restorative practices must be integrated throughout the components of the program.

The Board shall offer professional development activities to paraeducators as part of a paraeducator's professional development plan. These professional development activities may be made available directly by the Board of Education, through a RESC or cooperative arrangement with another board, or through arrangements with any CSDE-approved professional development provider. The activities must be consistent with any goals identified by the paraeducator and Board.

Paraeducators are employed so that the certified staff may direct their energies to the students' education. The Principal and the supervising teacher are jointly responsible for making final decisions related to the duties and responsibilities to be assigned to a paraeducator.

In each case, the Board shall approve a statement of job requirements as presented by the Superintendent. This shall be in the form of a job description setting forth the qualifications for the job, a detailed list of performance responsibilities and any required physical capabilities.

Only the Board may eliminate a position that it has created.

Title I Paraeducators

A Title I paraeducator is an individual who provides instructional support for students in a Title I Schoolwide or Targeted Assistance Program, supported with Title I, Part A funds, in the event the district administration assigns Title I funding to the paraeducator budget lines.

Personnel -- Non-Certified

Paraeducators/Title I Paraeducators

Title I Paraeducators (continued)

Title I paraeducators may perform the following instructional support duties:

- One-on-one tutoring for eligible students if the tutoring is scheduled at a time when the student would not ordinarily be receiving instruction from the regular teacher
- Assist in classroom management
- Conduct parent involvement activities
- Assist in computer instruction
- Provide instructional support in a library or media center
- Act as a translator
- Provide instructional support services under the direct supervision of qualified teachers

Title I paraeducators may assume limited non-instructional duties, even if they benefit non-Title I students, in the same proportion to their total work time as non-Title I paraeducators.

Title I paraeducators do not include individuals who have only non-instructional duties such as providing technical support for computers, providing personal care services or performing clerical duties.

Qualifications

Title I paraeducators must have earned a secondary school diploma or demonstrated through a formal local academic assessment the knowledge of and ability to assist in instructing, as appropriate:

- a. Reading/language arts, writing and mathematics; or
- b. Reading readiness, writing readiness, and mathematics readiness.

Requirement Specific to Paraeducators Providing Special Education or Related Services

Parents of children receiving special education services are required to be notified of their right to have the paraeducator assigned to their child to attend and participate in all portions of the PPT at which an educational program for the child is developed, reviewed, or revised. If the parent, guardian, student, or surrogate parent makes such a request, the Board shall provide the following:

1. Adequate notice of the PPT meeting to the paraeducator, allowing the paraeducator adequate time to prepare.
2. Training, upon request of the paraeducator, on the role of the paraeducator at the meeting.

Personnel -- Non-Certified

Paraeducators/Title I Paraeducators

Requirement Specific to Paraeducators Providing Special Education or Related Services

(continued)

Following the PPT meeting, the paraeducator who is providing special education or related services to the student shall be permitted to view the child's educational program in order to provide services to the student in accordance with the educational program.

Any paraeducator providing special education or related services to a student is required to review the student's IEP with a supervisor as needed.

Notice to Parents

An annual written notice shall be provided to parents of students enrolled in a Title I Schoolwide or Targeted Assistance Program telling them they may request information about any paraeducators who provide instructional support for their child. The notice may be combined with a notice regarding Title I teacher qualifications.

NOTE: The requirements outlined in this policy apply to all paraeducators who work in a school that qualifies as a Title I Schoolwide Program, whether or not their salaries are paid with Title I funds. For Targeted Assistance Programs, only those paraeducators who provide instructional support to students in the Title I Program are subject to the requirements.

Legal Reference: 42 U.S.C. 653(a) Personal Responsibilities and Work Opportunity Reconciliation Act
15 U.S.C. et. seq., Fair Credit Reporting Act
Section 1111(g)(2)(M), ESEA
20 C.F.R. 200.59 Federal Regulations
Public Act 23-159, Section 12
Public Act 24-41, An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Sections 20-38

GRISWOLD PUBLIC SCHOOLS
GRISWOLD, Connecticut

Annual Notification to Parents Regarding Qualifications of
Title I Teachers and Paraeducators

TO: *[All parents of students enrolled in a Title I Schoolwide or Targeted Assistance Program]*

FROM: *[Principal]*

Date: *[insert date]*

As a parent of a student who is in a Title I Schoolwide or Targeted Assistance Program at _____ school, you have a right under federal law to request information about the professional qualifications of the teachers who instruct your child and the paraeducators, if any, who assist them. The No Child Left Behind Act of 2001 gives you the right to ask for the following information about each of your child's classroom teachers and their paraeducator assistants, if any:

- Whether the State of Connecticut has licensed or qualified the teacher for the grades and subjects he or she teaches.
- Whether the teacher is teaching under an emergency license (letter of authorization) or other provisional status by which state licensing criteria have been waived.
- The teacher's college major, whether the teacher has any advanced degrees and, if so, the subject of the degrees.
- Whether any instructional aides or paraeducators provide services to your child and, if they do, their qualifications.

If you would like to receive any of this information, please contact me, at _____
insert phone number

or by writing to my office at:

(provide address)

CIVILITY/CIVILITY CODE

(BACKGROUND INFORMATION FOR POLICY REVIEW COMMITTEE)

The topic of civility has gained notoriety at the present time, partially due to highly publicized news stories about related issues such as bullying, workplace violence and harassment, contentious political campaigns and the actions of governmental organizations, nationally and locally. The media and popular culture seem to advocate for the angry argument as the mode of communication. Boards of education and school districts are bucking the increasingly common “in-your-face” model of dealing with conflict.

These days, people at public meetings are displaying more aggressive behavior than in the past. While we are aware of the problem, the problem appears to be getting worse. A 2011 survey conducted by Shandwick and Tate found that 65% of the respondents believe incivility is a major problem in America today. Other studies revealed the growth of incivility at work and that it was getting increasingly worse. Students, faculty, staff and boards of education have also experienced incivility of some kind in school districts.

Civility can be defined simply as civilized conduct; especially courtesy, politeness, or simply a polite act or expression. It may also be defined as the extent to which individuals speak and act in ways that demonstrate a caring for the welfare of others, as well as the welfare of the culture they share in common. Therefore, civility can be associated with qualities that are valued as the virtues and manners of individuals which include tolerance, self-restraint, mutual respect, commitment to other people, social concern, involvement and responsibility.

It also relates to professionalism, ethics, leadership, compassion, empathy, civicness, etiquette and decorum. In short, civility can be seen as an expansive term open to subjective interpretation.

Within the setting of a school system, incivility can be defined as any self-centered behavior that is impolite, boorish or shows a disregard to the rights of others, whether they be students, staff, parents or community members. It has been also referred to as bullying, emotional abuse or mobbing. Uncivil conduct includes, but is not limited to, the following:

- directing vulgar, obscene or profane gestures or words at another individual;
- taunting, jeering, inciting others to taunt or jeer at an individual;
- raising one’s voice at another individual, repeatedly interrupting another individual who is speaking at an appropriate time and place;
- imposing personal demands at times or in settings where they conflict with assigned duties and cannot be reasonably met;
- using personal epithets, gesturing in a manner that puts another in fear for his/her personal safety;
- invading the personal space of an individual after being directed to move away, physically blocking an individual’s exit from a room or location;
- remaining in a classroom or school area after a teacher or administrator in authority has directed one to leave;
- violating the privacy of another individual’s belongings (except for lawful searches conducted by school officials); or
- other similar disruptive conduct.

CIVILITY/CIVILITY CODE

Uncivil conduct does not include the expression of controversial or differing viewpoints that may be offensive to some persons, provided (1) the ideas are presented in a respectful manner and at a time and place that are appropriate, and (2) such expression does not materially disrupt, and may not be reasonably anticipated to disrupt, the educational and/or meeting process. Such differing viewpoints are permitted within the freedom of expression guaranteed by the First Amendment.

School systems need to care about encouraging civility in district schools and in the manner in which those within the educational community interact with each other. Incivility impacts organizational integrity, employee satisfaction, and student outcomes. Incivility has the potential to influence all aspects of the school campus, including satisfaction and productivity among board of education members, faculty, staff and students.

Numerous studies have taken place to review the effects of incivility on worker satisfaction, organizational integrity, and productivity. Incivility can be linked to decreased job performance and satisfaction. A safe, civil environment is essential to high board, student and staff achievement, to the free exchange of ideas central to a quality educational process, and to the development of youth as thoughtful participants in our democracy. Conversely, uncivil conduct, like other forms of disruptive behavior, interferes with a board's ability to fulfill its appropriate leadership role and with a student's ability to learn and a school's ability to educate its students.

It is necessary for board members, administrators, faculty, staff, students, volunteers, parents and other community members to maintain a clear expectation of civil conduct and problem-solving throughout the school district. The board of education should be committed to set an example in its deliberations at its meetings. Moreover, the board should provide the training and resources necessary to support this expectation and refuse to condone uncivil conduct at board meetings, on school grounds or at school-sponsored activities, whether by board members, staff, students, parents, volunteers or other visitors to the district.

Civility codes provide ground rules for communication among board members, teachers, parents and students.

Policy Implications

Policies pertaining to the issue of civility can provide direction for the board of education's actions, students and for community-school district interactions. The purposes of such policies are to promote a work and learning environment that is safe, productive and nurturing for all board members, staff and students, which encourage the free flow of ideas without fear or intimidation. Students would be provided with appropriate models for respectful problem-solving by such policies. In addition, such policies could reduce the potential triggers for violent conduct, such as fear, anger, frustration and alienation.

This code of conduct was adopted by the CABE Board of Directors on February 12, 2020.

Bylaws of the Board

Conflict of Interest

Civility Code

As a member of the Griswold Board of Education, I will strive to improve student achievement in public education, and to that end I will:

- Attend all Board meetings insofar as possible, review relevant information and become informed concerning the issues to be considered at those meetings;
- Recognize my responsibility as an agent of the State to seek the improvement of education throughout the State;
- Focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation;
- Ensure that all sides have a fair opportunity to present their respective positions;
- Recognize that a board member has no authority as an individual, and that decisions can only be made by a majority vote at a board meeting;
- Ensure that criticism of opposing viewpoints is expressed as criticism of a position, not a person when advocating for a belief or position;
- Arrive at conclusions only after discussing all aspects of the issue at hand with my fellow Board members in a meeting;
- Respect the opinions of others, and abide by each decision of the Board as a whole, regardless of my personal vote;
- Listen respectfully to those who communicate with the board, seeking to understand their views, while recognizing my responsibility to represent the interests of the entire community;
- Strive for a positive working relationship with the superintendent, respecting the superintendent's authority to advise the board, implement board policy, and administer the district;
- Recognize the importance of an effective governance team;
- Respect the rights of the minority while working toward the will of the majority, and recognize the importance of achieving consensus as an important tool in community-building;
- Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent;
- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff by appropriate supervisors;
- Conduct all business in an open and transparent manner, consistent with the intent and spirit of the open meeting law requirements;

Bylaws of the Board

Civility Code (continued)

- Respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in executive session;
- Model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board.
- Present personal criticism of district operations or of any employee directly to the Superintendent;
- Understand the chain of command and refer problems or complaints to the proper administrative office while refraining from actions that could compromise my ability to act if the issue rises to the board level;
- Take no private action that will compromise the Board and administration;
- Refrain from using the board position for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety;
- Be informed about the duties of school board members and current educational issues through professional development, such as programs sponsored by my state and national school boards associations;
- Remember always that my first and greatest concern must be the educational welfare of the students attending the Griswold Public Schools.

Sources:

CABE Model Policy

Virginia School Boards Association Code of Conduct for School Board Members

Texas Association of School Boards Ethics for Board Members

North Carolina School Boards Association Code of Ethics

Illinois Association of School Boards Code of Conduct

Hamden and Norwalk Board of Education Code of Ethics

Meeting Protocol

To ensure that the Board's meetings are conducted with maximum effectiveness and efficiency, members will:

- come to meetings adequately prepared;
- identify issues of concern before the meeting, whenever possible;
- circulate proposed motions and amendments, whenever possible, at least 48 hours before meeting;
- speak only when recognized;
- not interrupt each other during debate;

Bylaws of the Board

Civility Code

Meeting Protocol (continued)

- not engage in disruptive and disrespectful side conversations;
- minimize unnecessary repetition;
- not monopolize the discussion;
- address the merits of the issue being discussed without appealing to the biases, prejudices and emotions of the audience;
- support the chair of the meeting's efforts to facilitate an orderly meeting;
- communicate openly and actively in discussion and dialog to avoid surprises;
- value equal participation of all members;
- practice respectful body language;
- listen actively when other members speak; and
- not surprise or embarrass each other or members of the staff.

(cf. 9005 – Statement of Integrity)

(cf. 9270 – Conflict of Interest)

(cf. 9271 – Code of Ethics)

Bylaw adopted by the Board:

cps 1/14
rev 2/20

Another version of this bylaw to consider.

Bylaws of the Board

Conflict of Interest

Civility Code

In order to promote mutual respect, civility, and orderly conduct among the members of the Board of Education (Board), this bylaw shall provide the ground rules to be followed by the members of the Board. This bylaw is not intended to deprive any member of the Board of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free meeting place for the activities of the Board. In the interest of presenting the Board and its individual members as positive role models to the staff, students, and the community, the Board encourages positive communication and discourages volatile, hostile, or aggressive behavior. To achieve this objective, the following guidelines will be followed:

1. We will communicate openly and honestly.
2. What is said in the group stays in the group.
3. We will not allow side conversations.
4. Everyone will listen attentively to each other.
5. We will not personalize ideas.
6. We will respect the dignity of each other.
7. We will not allow interruptions.
8. Everyone will contribute, there will be no observers.
9. The meeting will begin and end on time.

(cf. 9005 – Statement of Integrity)

(cf. 9270 – Conflict of Interest)

(cf. 9271 – Code of Ethics)

Bylaw adopted by the Board:

cps 1/14