

GREATER LAWRENCE TECHNICAL SCHOOL DISTRICT

Family Medical Leave Act (FMLA) Procedure

Purpose

The federal Family and Medical Leave Act (“FMLA” or “the Act”) entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reason, and up to twenty-six weeks of unpaid, job-protected leave each year as military caregiver leave. FMLA also provides up to 12 weeks of leave to parents, spouses, or children of National Guard or Reserve personnel on active duty (or call to active duty status) for “qualifying exigencies.”

Employee Eligibility

To be eligible for FMLA leave, an employee must:

- Work for the District;
- Have worked for the District for at least twelve months; and
- Have worked at least 1,250 hours over the previous twelve months.

The District defines the 12-month period on a rolling basis, which is the 12-month period backward from the date an employee takes FMLA leave.

Leave Entitlement

Eligible employees may use up to a maximum of twelve weeks of FMLA leave during the 12-month fiscal year period (July 1 – June 30). This leave can be used for:

- The birth or placement of a child with the employee for adoption or foster care.
- Caring for an immediate family member with a serious health condition. Immediate family member is defined as the employee’s spouse, child, stepchild, foster child, or parent. A child must be under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time FMLA is to commence.
- Medical leave when the employee is unable to work because of a serious health condition.
- Twenty-six workweeks of leave during the single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave). Such leave is available for up to five years after the military member’s separation from the military.

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 healthcare 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 District or other daily activities. Subject to certain conditions, the “continuing treatment” requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) 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.” A serious health condition of either the employee or the family member requires either inpatient care or continuing treatment by a healthcare provider. “Continuing treatment” is defined as two or more visits within 30 days of the first incapacity. Chronic conditions, i.e. conditions that continue over an extended period of time that may cause episodic periods of incapacity, may be a “serious health condition” under FMLA.

Scheduling and Use of Leave

FMLA leave will be unpaid unless otherwise specified below and/or by an employee’s collective bargaining agreement. FMLA leave runs concurrently with the leaves described below, including, but not limited to sick leave, workers’ compensation and parental leave.

Birth or Placement of a Child for Adoption or Foster Care

FMLA leave for this purpose must be taken and completed within one year of the birth, adoption, or foster care placement. It may not be taken on an intermittent or reduced leave basis unless the District and the employee agree to a leave arrangement that satisfies the District’s operational needs. Additionally, FMLA leave for this purpose runs concurrently with parental leave and employees must use all available accrued personal leave, vacation leave, and compensatory time to cover leave for this purpose. An employee who is recovering from childbirth may use the employee’s accrued sick leave for the period of recovery prior to using personal leave, vacation leave, and compensatory time. If an employee exhausts all accrued leave prior to the end of the FMLA leave, the remaining leave shall be unpaid.

Caring for An Immediate Family Member (Spouse, Child, or Parent) with a Serious Health Condition

FMLA leave for this purpose may be taken continuously or when medically necessary on an intermittent or reduced leave basis. An employee whose collective bargaining agreement permits the use of accrued sick leave to care for an immediate family member, may, but is not required to, use accrued sick leave, subject to the limitations in the applicable collective bargaining agreement to care for the employee’s immediate family member. If an employee’s collective bargaining agreement or employment agreement permits the use of sick leave for immediate

family members, such sick leave shall be used concurrently with FMLA leave for this purpose. The employee must use all available accrued personal leave, vacation leave, and compensatory time to cover leave for this purpose. If an employee exhausts all accrued leave prior to the end of the FMLA leave, the remaining leave shall be unpaid.

Medical Leave for the Employee's own Serious Health Condition

FMLA leave for this purpose may be taken continuously or when medically necessary on an intermittent or reduced leave basis. However, if the employee's need for intermittent leave or leave on a reduced basis is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment at a time that will minimize disruptions to the District's operations. The District may ask an employee to modify a treatment schedule in order to better accommodate District operational needs. Employees who use FMLA leave for this purpose shall use all available accrued sick leave, and if exhausted, shall then be required to use accrued personal leave, vacation leave, and compensatory time. If an employee exhausts all accrued leave prior to the end of FMLA leave, the remaining leave shall be unpaid.

Qualifying Exigency for Covered Military Member on Covered Active Duty

FMLA leave for this purpose must be taken continuously and may not be taken on an intermittent or reduced leave basis. Employees must use all available accrued personal leave, vacation leave, and compensatory time to cover leave for this purpose. If any employee exhausts all accrued leave prior to the end of FMLA leave, the remaining leave shall be unpaid.

Qualifying Exigencies for National Guard/Reserve FMLA

The following conditions are qualifying exigencies for National Guard/Reserve FMLA:

- Short notice deployment
- Military events and related activities
- Childcare/District activities
- Financial and legal arrangement
- Post deployment activities
- Rest and recuperation
- Counseling
- Additional activities agreed upon by the employee/employer

Caring for a Covered Service Member With a Serious Injury or Illness

FMLA leave for this purpose may be taken continuously or when medically necessary on an intermittent or reduced leave basis. An employee whose collective bargaining agreement permits the use of accrued sick leave to care for the covered service member, may but is not required to, use accrued sick leave, subject to the limitations in the applicable collective bargaining agreement, to care for the covered service member. If an employee's collective bargaining or

employment agreement permits the use of sick leave for the covered service member, such leave shall be used concurrently with FMLA leave for this purpose. The employee must use all available accrued personal leave, vacation leave, and compensatory time to cover leave for this purpose. If an employee exhausts all accrued leave prior to the end of FMLA leave, the remaining leave shall be unpaid.

How much notice do I need to give?

You are required to give at least 30 days notice if the need for leave is foreseeable. If the leave is not foreseeable, notice must be given as soon as practicable. For planned treatments, you must consult with the Principal and make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to approval of your healthcare provider. Employees are ordinarily expected to consult with the Principal before scheduling treatments in order to work out a treatment schedule which best suits the needs of both the employee and the District. Prior to the commencement of any foreseeable leave, (or if the leave is unforeseeable, as soon as practicable), you must submit a letter to the Director of Human Resources requesting the leave.

Maintenance of Health Benefits

The District will continue to pay for its portion of your health insurance for the time you are on leave; if any or all of your leave is paid based on utilization of accrued time, you will pay for health insurance through regular payroll deductions. If your leave is unpaid, you must establish a payment schedule through the Business Office to continue to make your regular payment of the employee portion of the premium.

If an employee chooses not to return to work at the expiration of the FMLA leave for reasons other than the continuation of a serious illness or reasons beyond the employee's control, the employee may be required to reimburse the District for the employer portion of premiums it paid in maintaining group health benefits during the FMLA leave.

Notice and Certification

Employees seeking to use FMLA leave are required to provide their department head with a copy to the Director of Human Resources:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form provided by the District's Human Resources Department;
- Additional medical opinions and periodic recertification if requested by the District;

- Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the employee's department head and/or the Human Resources Department; and
- Medical certification that the employee is fit to return to duty.

If the District has reason to doubt the validity of the medical certification, we may request a second opinion at our own expense. In the event of conflicting opinions, the District may pay for a third opinion which will be final and binding. A certification is also required to take leave to care for a covered service member or a qualifying exigency.

Return from Leave

Upon returning from leave, employees will be returned to their previous position, or a comparable position with equal pay, benefits, seniority, and other terms and conditions of employment, unless one of the following exceptions applies. If, during the period of FMLA leave, the District would have ended the employee's employment or the employee would have been laid off for reasons unrelated to the leave, the District will not reinstate the employee to their previous position. Additionally, if an employee is a key employee and hiring a permanent replacement during the leave is necessary to prevent substantial and grievous economic injury to the District, the District will notify the employee of its intent not to reinstate the employee after the expiration of the FMLA leave.

An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled before using FMLA leave.

Greater Lawrence Technical School District will require that you obtain a "fitness for duty" certification from your physician in order to return to work. For more information, visit the United States Department of Labor's website at <http://www.dol.gov/esa/whd/fmla/>