



FARMINGTON SCHOOL DISTRICT NO. 192	NEPN CODE: <b>GCBDC</b>
POLICIES AND REGULATIONS	

## **Personnel**

### **Family and Medical Leave Act**

#### **I. PURPOSE**

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act and the Minnesota Parental Leave Act.

#### **II. GENERAL STATEMENT OF POLICY**

##### **A. Twelve-week Leave**

1. Regular full-time and part-time employees who have been employed by the school district for at least 12 months which need not be consecutive and have worked for an average number of hours equal to one-half the full time position in the Employee's job classification during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below. Leave may be taken for one or more of the following reasons in accordance with applicable law:
  - a. Birth of the employee's child;
  - b. Placement of an adopted or foster child with the employee;
  - c. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and/or
  - d. The employee's serious health condition makes the employee unable to perform the functions of the employee's job.
2. For the purposes of this policy, "year" is defined as a rolling 12-month period measured backward from the date an employee uses any leave.
3. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider.

Continuing treatment means:

- a. A period of incapacity (i.e. inability to work or perform other regular daily activities due to the serious health concern, treatment thereof or recovery there from) of more than three consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two or more times by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision.
  - b. Any period of incapacity due to pregnancy or prenatal care.
  - c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.)
  - d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease).
  - e. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).
4. If medically necessary, employees may take medical leave on a reduced leave schedule to care for a seriously ill family member or because of the employee's own serious health condition.
5. Requests for leave shall be made to the school district. Employees must give 30 days written notice of a leave of absence where practicable.

If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances. Failure to provide such certification may result in a delay of the employee's leave.

6. If the school district has reason to doubt the validity of a health care

provider's certification, it may require a second opinion at the school district's expense. If the opinions of the first and second health care providers differ, the school district may require certification from a third health care provider at the school district's expense.

7. During the period of a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period), the school district will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.
8. Where an employee takes FMLA leave because of the employee's own serious medical condition, the employee must substitute any unused paid time off for any (otherwise) unpaid FMLA leave. Where an employee has unused paid time off, the employee must substitute that paid time off for all or part of any (otherwise) unpaid FMLA relating to birth of a child or placement of a child for adoption for foster care, or care for a spouse, child or parent who has a serious health condition.

Paid time-off will be run concurrently, that is, at the same time, as FMLA, provided that employee is eligible for both paid leave and FMLA, and the employee has actually accrued paid leave as of the time the FMLA commences.

During any FMLA leave, Farmington Public Schools will maintain the employee's medical and dental coverage on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The Farmington Public Schools and the employee will each continue to pay their portion of the benefit costs. An employee's failure to make necessary and timely contributions may result in termination of coverage. In some instances, Farmington Public Schools may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave on a prorated basis.

During a FMLA leave, sick leave and paid time off will continue to accrue only during that portion of the leave which is paid by using sick or paid time off days. During any unpaid FMLA leave sick leave and paid time off will not accrue. For those persons returning from any unpaid FMLA leave, accrual of paid time off and sick leave will resume the first of the month which follows or coincides with the date the individual returns to active work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, sick leave and paid time off will continue to accrue

during the leave on a pro rata basis.

9. Employees returning from a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period) are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
10. An employee who does not return to work after leave may, in some situations, be required to reimburse the school district for the cost of the health plan premiums paid by it.

Employees returning from a leave for a serious health condition must also provide supervisors with a certification from a health care provider documenting their fitness to return to work.

11. The provisions of this 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 have the same meaning as 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.
12. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

Date Adopted 05/20/97

Dates Revised 11/27/06

Next Scheduled Revision 11/10

Legal References Minn. Stat. §§ 181.940-181.944 (Parenting Leave)  
29 U.S.C. § 2601 *et seq.* (Family and Medical Leave Act)  
29 C.F.R. pt. 825

Contract References \_\_\_\_\_

Cross References \_\_\_\_\_