

Family and Medical Leave Administrative Procedure

Following are administrative procedures to implement the Family and Medical Leave Policy.

1. An eligible employee is entitled to twelve (12) weeks of unpaid, job protected family and medical leave ("FMLA Leave") during a twelve (12) month period. An eligible employee is anyone who has been employed by the district for at least twelve (12) months and for at least 1,250 paid hours of service during the twelve (12) months immediately preceding the start of leave. The twelve (12) month measuring period for FMLA leave purposes shall be different for each employee and shall be measured on a rolling basis backward from the date the employee uses any FMLA leave.

FMLA leave will run concurrently with an employee's available sick leave if the FMLA-qualified leave exceeds fifteen (15) consecutive working days.

2. FMLA leave may be taken:
 - a. For the birth of a child and/or to care for a newborn child;
 - b. For the placement of a child with the employee for adoption or foster care;
 - c. To care for the employee's child, spouse, or parent with a serious health condition; or
 - d. For the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job.
 - e. For the care of a covered servicemember with a serious injury or illness.
3. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
 - b. A period of incapacity for more than three (3) consecutive days, combined with continuing treatment or supervision by a health care provider;
 - c. A period of incapacity due to pregnancy or for prenatal care;
 - d. A period of incapacity due to a chronic serious health condition;
 - e. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
 - f. A period of absence to receive multiple treatments by or under the supervision of a health care provider for restorative surgery or for a

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condition that would likely result in a period of incapacity of more than three (3) consecutive days in absence of treatment.

"Incapacity" means inability to work, attend school, or perform other regular daily activities due to a serious health condition.

4. If both parents are employed by the District, their combined FMLA leave entitlement under 2(a) or (b), above, is limited to twelve (12) weeks in a twelve (12) month period.
5. FMLA leave taken to care for a newborn or newly placed adoptive or foster child must be completed within twelve (12) months after date of the birth or placement for adoption or foster care.
6. An employee who plans to take FMLA leave shall provide the District with written notice at least thirty (30) days in advance. If the FMLA leave is not foreseeable, and thirty (30) days notice cannot be given, the employee should notify the District of the need for leave, as soon as practicable (within two (2) working days of learning of the need for leave absent extraordinary circumstances). If the employee fails to give thirty (30) days notice for foreseeable leave, absent reasonable excuse for the delay, the District may delay the leave until thirty (30) days after the employee provides notice.
7. Upon returning from FMLA leave, the employee may be returned to the same position he/she previously held or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee of FMLA leave has no greater right to reinstatement or other benefits than if he or she has been continuously employed during the leave period. An employee on FMLA leave remains subject to legitimate job changes and reductions in force that occur during the leave, and such changes may result in the employee being denied reinstatement. The district may, after notice, deny reinstatement to the highest paid ten percent (10%) of all employees ("key employees") where necessary to prevent substantial and grievous economic injury to the district.
8. FMLA leave taken to care for a family member with a serious health condition or due to the employee's own serious health condition may be taken intermittently or on a reduced schedule when medically necessary. FMLA leave requested under 2(a) or (b), above, may not be taken intermittently or on a reduced leave schedule.
9. Instructional employees who need intermittent or reduced schedule FMLA leave for more than twenty (20%) of the working days in the period during which the leave would extend may be required to choose either to (a) take FMLA leave for all or part of the FMLA leave period or (b) transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates the leave.

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10. Instructional employees who request FMLA leave to begin near the conclusion of the academic term may be required to continue the leave until the end of the term.
11. Health plan benefits will be maintained for the employee during the FMLA leave, with the district paying the same portion of the premium as it did while the employee was at work. If the employee fails to make timely payment of his/her portion of the premium, the district reserves the right to cease to maintain the employee's health benefits, provided the district notifies the employee in writing at least fifteen (15) days before health coverage will lapse. If the employee fails to return from leave, the employee may be required to reimburse the district for all district paid premiums during the leave.
12. FMLA leave will run concurrently with an employee's available sick leave and/or vacation leave when applicable if the FMLA-qualified leave exceeds fifteen (15) consecutive working days. Sick leave can be used if the employee or a family member of the employee has a serious health condition for which sick leave is otherwise available. FMLA leave will also run concurrently with workers compensation or disability insurance coverage for a serious health condition.
13. The district will require that any FMLA leave request be supported by certification (and, in appropriate cases, by periodic recertifications) from a health care provider. The certification would be provided before the leave begins, if foreseeable, and must, in any event, be provided within fifteen (15) calendar days of request. Failure to provide a required medical certification in a timely fashion may result in denial of the leave until the certification is provided.
14. The district may require an employee after taking FMLA leave due to a serious health condition to obtain certification from his or her health care provider that the employee is able to resume work.
15. An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued during the period of leave unless otherwise provided by contract.
16. The district shall not terminate nor in any other manner discriminate against employees for exercising their rights under the FMLA.
17. These procedures shall be interpreted and administered in light of regulations issued pursuant to the Family and Medical Leave Act of 1993. In some instances, State law or contractual provisions regarding leaves may entitle an employee to greater leave benefits than provided under federal law. Nothing in these procedures shall prohibit the district from reviewing each employee request for FMLA leave on an individual basis and authorizing additional leave where required by law, contract, or the discretion of the Board of Directors.

When a leave is requested, the following will take place:

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1. Employees will submit a Leave Request Form to the Human Resources Department, who will determine the employees' eligibility for Family Medical Leave.
2. After board or district approval, the employee's salary, benefits and sick leave available will be calculated and the employee will be notified of his/her options for pay and benefits.
3. All salary computations and FMLA forms signed by the employee will be kept in the employee's file in accordance with record retention rules and regulations.