

## **General Personnel**

### **Family and Medical Leave**

**Each provision, term, and condition of the following policy shall apply to all SASED employees except where a collective bargaining agreement offers a specific differing provision, term, or condition to a bargaining unit employee. In such case, the specific differing provision, term, or condition shall apply to the bargaining unit employee. In the absence of a specific differing provision, term, or condition, the policy shall be fully applicable to a bargaining unit employee.**

#### Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor's rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

Eligible employees may use unpaid family and medical leave, guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, calculated from the last occurrence.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered service member (defined herein) with a serious injury or illness. The "single 12-month period" is measured forward from the date the employee's first FMLA leave to care for the covered service member begins.

While FMLA leave is normally unpaid, SASED will substitute an employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of paid leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement.

Family and medical leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter,
2. The adoption or foster placement of a child,
3. The serious health condition of an employee's spouse, parent, or child,
4. The employee's own serious health condition,
5. Because of any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, and
6. To care for the employee's spouse, child, parent, or next of kin who is a covered service member with a serious injury of illness. A "covered service member" is a 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 for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If spouses are employed by SASED, they may together take only 12-weeks for FMLA leaves when the reason for the leaves is 1 or 2, above, or to care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

Employees may take an intermittent or reduced-hour family and medical leave in accordance with FMLA regulations.

#### Eligibility

To be eligible for family and medical leave, an employee must have been employed by SASSED for at least 12 months (the 12 months need not be consecutive) and have been employed for at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave.

#### Notice

If possible, employees must provide at least 30 days' notice to SASSED of the date when a leave is to begin. If 30 days' notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make SASSED aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

#### Certification

Within 15 calendar days after the Executive Director or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a certificate completed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a certificate completed by the employee's health care provider.
3. When the leave is to care for a covered service member with a serious illness or injury, the employee must provide a certificate completed by an authorized health care provider for the covered service member.
4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

Failure to provide the certification may result in a denial of the leave request. SASSED may also require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

SASSED may require recertification at reasonable intervals, but not more often than once every 30 days. Regardless of the length of time since the last request, SASSED may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) SASSED receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided to SASSED within 15 calendar days after the request. SASSED may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by SASSED may result in a denial of the leave request.

#### Continuation of Health Benefits

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. SASSED's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and SASSED notifies the employee at least 15 days before coverage will cease.

### Changed Circumstances and Intent to Return

An employee must provide the Executive Director or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The Executive Director or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for 8 consecutive weeks whether he or she intends to return to work.

### Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to SASSED's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations.

### Implementing Procedures

The Executive Director shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:310 (Compensatory Time-Off), 5:330 (Sick Days, Vacation, Holidays, and Leaves)

ADOPTED: December 9, 2009

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