

EASTON AREA SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES

TITLE: FAMILY AND MEDICAL
LEAVE

ADOPTED: March 28, 1994

REVISED: August 17, 2006
May 27, 2010

435. FAMILY AND MEDICAL LEAVE	
<p>1. Purpose 29 U.S.C. Sec. 2601 et seq</p>	<p>In accordance with the Family and Medical Leave Act of 1993 (The FMLA) and as amended by Section 585 of the National Defense Authorization Act for F.Y. 2008 and Section 565 of the National Defense Authorization Act for F.Y. 2010, the Easton Area School District affords its eligible employees leave (FMLA Leave) as set forth in this policy.</p>
<p>2. Eligibility</p>	<p>All employees who have been with the district for at least twelve (12) months and have worked at least 1,250 hours within the previous work year (July 1 to June 30) are eligible for family and/or medical leave of absence. Part-time employees who have been with the district for at least twelve (12) months and have worked at least 900 hours within the previous work year are also eligible.</p>
<p>3. Guidelines 29 U.S.C. Sec. 2611, 2612</p>	<p>Eligible employees may take up to twelve (12) weeks of unpaid leave in any twelve (12) month period under four (4) circumstances that are critical to the life of a family. Leave may be taken:</p> <ol style="list-style-type: none"> 1. Upon the birth of the employee's child or in order to care for such child. 2. Upon the placement of a child with the employee for adoption or foster care. 3. When the employee is needed to care for a child, spouse, or parent who has a serious health condition. 4. When the employee is unable to perform the function of his/her position because of a serious health condition.
<p>29 U.S.C. Sec. 2612</p>	<p>Employees on leave to care for a covered service member shall be provided up to twenty-six (26) weeks of leave in a twelve-month period.</p> <p>FMLA permits a “spouse, son, daughter, parent, or next of kin” to take up to twenty-six (26) weeks of unpaid leave in one (1) year to care for 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.”</p>

<p>4. Definitions</p>	<p>FMLA permits up to twenty-six (26) weeks of unpaid leave in one (1) year to family members (spouse, son, daughter, parent, or next of kin) of veterans for up to five (5) years after a veteran leaves service if he or she develops a service-related injury or illness incurred or aggravated while on active duty.</p> <p>FMLA provides up to twelve (12) weeks of unpaid, job-protected leave per year because of a “qualifying exigency arising from the fact that the spouse, son, daughter, or parent of an employee is on active duty or has been notified of an impending call or order to active duty.”</p> <p>Serious Health Condition is defined as an illness, injury, impairment or mental condition involving either in-patient care or continuing treatment by a health care provider for a chronic or long-term condition.</p> <p>Health Care Providers include doctors of medicine, osteopathy or any other person determined by the Secretary of Labor to be capable of providing health care services.</p> <p>Employment Benefits include all fringe benefits provided or made available by the district, including group life insurance, health insurance and sick leave.</p> <p>Parent means the biological parent or an individual who stood in loco parentis to an employee when the employee was a child.</p> <p>Child means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.</p> <p>Spouse means a husband or wife.</p> <p>Twelve-Month Period means July 1 to June 30.</p> <p>Return to Service means that the employee is able to return to active employment and shall be returned to the same or an equivalent position with equivalent employee benefits and compensation and other conditions of employment.</p> <p><u>Exception</u></p> <p>If the employee on leave is a salaried employee and is among the highest paid ten percent (10%) of district employees and keeping the job open for the employee would result in substantial economic injury to the district, reinstatement to the employee on leave can be denied. In this situation, however, the employee will be given an opportunity to return to work.</p>
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<p>5. Requirements</p>	<p>Equivalent means substantially the same but not exactly equal.</p> <p>The district will require medical certification to support a claim for leave for an employee’s own serious health condition or to care for a seriously ill child, spouse, or parent. For an employee’s own medical leave, the certification must include a statement that the employee is unable to perform the functions of his/her position.</p> <p>For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care.</p> <p>In its discretion, the district may require a second medical opinion and periodic recertifications at its own expense. If the first and second opinions differ, the district, at its own expense, may require the binding opinion of a third health care provider.</p> <p>The leave shall commence as soon as the employee has proven his/her eligibility based on the qualifying event. The Board requires that the employee must use all earned sick (if requesting Family Medical Leave for yourself), personal, emergency, family, and vacation days, (optional).</p> <p>The employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the district, subject to the approval of the health care provider of the employee or the health care provider of the child, spouse, or parent of the employee, as appropriate. A thirty (30) day notice before the date the leave is to begin shall be provided where practicable.</p> <p>Leave may be taken on an intermittent schedule if medically necessary for a serious health condition of the employee or his/her spouse, child, or parent. If leave is requested on this basis, however, the district may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits, but not equivalent duties.</p> <p>Spouses who are both employed by the district are entitled to a total of twelve (12) weeks of leave (rather than twelve (12) weeks each) for the birth or adoption of a child or for the care of a sick parent.</p> <p>The district will maintain the employee’s health coverage under any group health plan during the leave on the same terms as if the employee continued to work.</p> <p>An employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his/her group insurance coverages by arranging to pay his/her portion of the premium contributions (co-pay) during the period of unpaid absence.</p> <p>In the event that an employee elects not to return to work (excluding retirement)</p>
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upon completion of an approved unpaid leave of absence, the district may terminate their employment and recover from the employee the cost of any district payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control. Benefit entitlements based upon length of service will be calculated as of the last paid workday prior to the start of the leave of absence.

Instructional Employees

Leave taken near the end of an academic term (or half year).

The district may require the instructional employee to continue his/her leave to the end of the term if:

1. The leave begins more than five (5) weeks before the term's end, will last at least three (3) weeks, and the employee would return to work within three (3) weeks of the end of the term.
2. The leave is for a purpose other than the employee's serious health condition, begins during the five (5) week period before semester's end, will last more than two (2) weeks, and the employee would return during the two (2) week period before the end of the term.
3. The leave is for a purpose other than the employee's own serious health condition, begins during the three (3) week period before the end of the term, and will last more than five (5) days.

The entire period of leave taken counts as FMLA leave. However, if the annual FMLA leave entitlement of an employee who is required to take leave until the end of an academic term ends before the leave is completed, the district will still maintain health benefits, reinstate the employee and provide other FMLA entitlements when the leave ends.

Procedure

Any employee requesting a leave under this policy must complete a request for Family and Medical Leave of Absence Form and submit it to the Human Resource Office.

The form should be submitted thirty (30) days in advance of the effective date of the leave. All requests for Family and Medical Leave of Absence due to illness shall include the following sufficient medical certification attached to a completed Request for Family and Medical Leave of Absence Form starting:

	<ol style="list-style-type: none">1. The date on which the serious health condition commenced.2. The probable duration of the condition.3. The appropriate medical facts within the knowledge of the health care provider regarding the condition. <p>In addition, for purposes of leave to care for a child, spouse, or parent, the certifications should give an estimate of the amount of time that the employee needs to provide such care.</p> <p>For purposes of leave for an employee's illness, the certificate must state that the employee is unable to perform the functions of his/her position (Medical Release Form).</p> <p>In the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment must be stated.</p>
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