

FAMILY AND MEDICAL LEAVE (FMLA Leave)
(All Staff)

The West Central School District will offer up to twelve (12) weeks of family/medical leave each year to eligible employees for any of the following reasons:

1. For the birth of a child and to care for that child during the first twelve months after birth;
2. For placement of a child with the employee for adoption or foster care during the first twelve months after placement;
3. To care for the employee's spouse, child or parent with a serious health condition; or
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Eligibility

An employee is eligible if the employee: had 12 months or more employment with the school district; has worked 1,250 hours or more in the immediately preceding twelve months; and is currently employed at least 20 hours per week.

Paid/Unpaid Leave

The employee must first use and count all available and applicable paid leave before using unpaid leave.

For birth of a child, an employee must use all personal leave and vacation time, if available before using sick leave. Any period before or after birth in which a mother is unable to work is considered a serious health condition for which paid sick leave will apply.

For the placement of a child by adoption or foster care, an employee must use all personal leave, any available vacation time, and if applicable, adoption parent leave will constitute a portion of the 12 weeks of family medical leave.

For the serious health condition of a spouse, child, or parent, an employee must use all family illness leave, personal leave, and any available vacation leave.

For the serious health condition of the employee, sick leave, and the days available to the employee through the Sick Leave Assistance Program, must be used along with all personal leave, and any available vacation leave.

Length of Leave

An employee's cumulative absences under this policy may not exceed 12 weeks in any twelve-month period. If an employee's spouse works for the West Central School District, their combined FMLA leave for any purpose other than that of their own serious health condition or that of a child or spouse shall be limited to 12 weeks per twelve-month period.

Intermittent or Reduced Schedule for FMLA Leave

FMLA leave may be taken on an intermittent or reduced schedule basis when the leave is medically necessary for the employee's own serious health condition or to care for the employee's spouse, child, or parent with a serious health condition.

If an employee who is employed principally in an instructional capacity requests intermittent leave or leave on a reduced schedule that is foreseeable based on a planned medical treatment, and the employee would be on leave for greater than 20 percent of the total number of working days during the foreseeable leave, the District may require the employee to elect either:

- a. To transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than does the employee's regular position; or
- b. To take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment.

The District, at the request of the employee, may agree that the employee may take leave intermittently or on a reduced basis in connection with the birth, adoption or foster placement of a child. The granting of such leave is subject to the recommendations of the administrator or supervisor, and agreement of the employee.

Benefits

During the period of FMLA Leave, the employee is entitled to the continuation of all fringe benefits. Employees will not earn sick days and vacation days while on unpaid FMLA Leave. The District will continue to pay its portion of the health insurance, and it will be the employee's responsibility to continue to pay for his or her portion. Upon return to work, the employee will be entitled to his or her same position or an equivalent position with equivalent pay, except that return to work during the last two (2) or three (3) weeks of a semester is subject to certain restrictions. See special rules below.

Notice to Employer

When the necessity for leave is foreseeable, the employee must provide at least 30 days notice in advance of the beginning of the leave. In all other cases, an employee must give notice as soon as practicable. When planning medical treatment, the employee shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the District.

Medical Certification

- a. Necessity for Leave – The District may require that a request for leave due to the serious health condition of the employee, the employee's spouse, child, or parent be supported by certification from the health care provider of the employee, child, spouse, or parent of the employee, as appropriate.
- b. Ability to Resume Work – In case of employee illness, in addition to current sick leave policy requirements, the employee must provide certification by his or her health care provider that the employee is capable of returning to work and performing the essential functions of the job.

Recovery of Health Insurance Premiums

If an employee fails to return to work after the leave period has expired, unless the absence is due to the continuance, recurrence, or onset of a serious health condition for the employee or an applicable family member, or other circumstances beyond the employee's control, the District will require the employee to reimburse the District its share of the health insurance premiums paid while the employee was on FMLA leave.

Special Rules for Leave Near the Conclusion of an Academic Term (School Semester).

1. The following rules apply to any employee who takes FMLA leave and is primarily employed in an instructional capacity.
 - a. If FMLA leave begins more than five (5) weeks before the end of an academic term, the principal may require the employee to continue taking leave until the end of that academic term if:
 - (1) The leave is of at least three (3) weeks duration; and
 - (2) The return to work would occur during the three-week period before the end of the academic term.
 - b. If FMLA leave begins within the five (5) weeks before the end of an academic term, for a purpose other than the employee's own serious health condition, the principal may require the employee to continue taking leave until the end of that term, if:
 - (1) The leave is more than two (2) weeks duration; and
 - (2) The return to work would occur during the two (2) week period before the end of the academic term.
 - c. If FMLA leave begins within three weeks (3) before the end of the academic term, for a purpose other than the employee's own serious health condition, the principal may require the employee to continue taking leave until the end of that term, if the leave is for more than five (5) working days.
 - d. If the school system requires a teacher to extend leave under these rules, only the period of leave until the employee is ready and able to return to work is charged against the employee's FMLA leave allotment.
2. Questions on these special rules should be addressed to the superintendent or designee.

The superintendent or designee will work individually with an employee who wants to apply for FMLA leave. FMLA request forms are available from the Central Office.

Adopted 5/9/94

Revised: 8/26/02, 2/06

Legal Ref: P.L. 103-3, "Family and Medical Leave Act of 1993"