

SECTION: CLASSIFIED EMPLOYEES

TITLE: FAMILY AND MEDICAL LEAVES

ADOPTED: February 8, 1999

REVISED:

PENN MANOR SCHOOL DISTRICT

535. FAMILY AND MEDICAL LEAVES	
1. Purpose P.L. 103-3 of 1993	The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, herein after referred to as FMLA.
2. Definitions	<p>Serious Health Condition: Condition which requires inpatient care at a hospital or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.</p> <p>Immediate Family Member: Parent, spouse, child, step child (does not include in-laws).</p>
3. Delegation of Responsibility	The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, the guidelines must adhere to the basic principles of law.
4. Guidelines	<p>Required notices shall be posted by the district.</p> <p>Employees shall be advised of their rights, responsibilities developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.</p> <p><u>Eligibility</u></p> <p>Employees who have been employed by the district for at least twelve (12) months at the time the leave is expected to commence and who worked at least five (5) hours per day or who qualify for district health care benefits within the previous twelve (12) month period immediately preceding commencement of the leave are eligible for up to twelve (12) work weeks of leave.</p>

The leave provided for under the FMLA will not exceed twelve (12) work weeks in any consecutive twelve (12) month period.

Qualifying Events

A leave under this policy for any eligible employee shall be granted for the following purposes:

1. The birth and first year care of a child.
2. The adoption or foster placement of a child.
3. The "serious health condition" of an immediate family member of an eligible employee, where the employee is needed to care for the immediate family member.
4. The employee's own "serious health condition".

Notice Requirement

An eligible employee must provide at least thirty (30) days notice when the qualifying event for the leave is foreseeable or as much advance notice as practical when the qualifying event for the leave is nonforeseeable.

If the required notice is not given, the Board may require, at its option, that the employee take leave for a particular duration or transfer temporarily to an Alternative position. Alternatively, the Board may, at its option, require the employee to delay the taking of leave until the notice requirement is met. A Leave-of-Absence Request form should be completed and returned to the Business Office within five (5) business days of when the need for leave becomes known to the employee.

Leave Entitlement

An eligible employee, male or female, shall be granted up to twelve (12) work weeks of unpaid leave per "leave year" for any leave qualifying event; however, this entitlement to leave for the birth or placement of a child expires twelve (12) months after the birth of a child or placement of an adopted or foster child with the employee.

Provision For Both Spouses Employed By District

When both a husband and wife are employed by the district, leave under this policy is limited to an aggregate of twelve (12) work weeks during any twelve month period for the birth, adoption or foster care of a child, or to care for an immediate family member who has a serious health condition. For personal illness, each employee is entitled to twelve (12) weeks of leave.

Substitution Of Paid Leave

An employee who is entitled to unpaid leave under FMLA may use all available earned or accrued paid leave to which the employee might be entitled. This paid leave shall be counted against the leave to which the employee is entitled under the Act. Once such benefits are exhausted, the balance of the leave will be without pay. Paid leave includes, but is not limited to; sick leave in the case of the employee's illness, personal leave, vacation leave, administrative leave, disability leave, workers' compensation disability leave, etc. Leave under the FMLA will be a part of, and not in addition to, any other unpaid leave to which the employee might be entitled (e.g., child rearing leave, etc.).

Maintenance Of Health Benefits

An employee who is entitled to leave under FMLA shall continue to be covered for health care benefits at the same level and conditions of coverage, including contributions to premium, which existed prior to the commencement leave. If an employee voluntarily fails to return to service upon the expiration of the leave, except for reasons of a continuing serious health condition or circumstances beyond the employee's control, the employee must reimburse the district for health care premiums paid by the district during the period of the unpaid leave. The employee, in order to avoid a refund obligation, may waive the district's obligation to continue health care benefits.

Intermittent Or Reduced Schedule Leave

Intermittent or reduced schedule leave may be granted only in cases of a serious health condition of an employee or immediate family member. If intermittent leave is requested and granted, the administration may temporarily transfer the employee to another job which better accommodates the employee's need for recurring periods of leave with no reduction in pay and benefits.

Medical Certification

Leaves requested for reasons of an employee's own serious health condition or the serious health condition of an immediate family member must be supported by appropriate medical certification from the treating health care provider. The Board reserves the right, at its expense, to secure second and third opinions and/or subsequent recertification of the serious health condition as provided for in FMLA.

Return To Employment

Employees returning to work following a family and medical leave of absence shall be placed in their former position or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination).