

PENN MANOR SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: FAMILY AND MEDICAL
LEAVES

ADOPTED: September 13, 2010

REVISED:

<p>1. Purpose 29 U.S.C. Sec. 2601 et seq 29 CFR Part 825</p> <p>2. Definitions</p>	<p style="text-align: center;">335. FAMILY AND MEDICAL LEAVES</p> <p>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, hereinafter referred to as FMLA.</p> <p>Immediate Family Member - parent, spouse, child, step-child (does not include in-laws).</p> <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>Serious Injury Or Illness (For Military-Related Family Leave) - an injury or illness incurred in the line of duty while on active duty in the Armed Forces that may render the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating.</p> <p>Qualifying Exigency (For Military-Related Family Leave) - short-notice deployment (notice of an impending call or order to active duty seven (7) or less calendar days prior to the date of deployment); military events and related activities (an official ceremony, program, or event sponsored by the military related to active duty or call to active duty, attendance at family support or assistance programs or informational briefings related to the active duty or call to active duty status); to attend to childcare and school matters as defined by federal regulations; to address legal and financial arrangements as defined by federal regulations; to attend counseling by someone other than a health care provider; for rest, recuperation, deployment, or other activities as defined by federal regulations.</p> <p>Servicemember - a current member of the Armed Forces, including a member of the National Guard or Reserves.</p>
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<p>3. Delegation of Responsibility</p> <p>4. Guidelines</p>	<p>The Superintendent shall develop administrative regulations to implement leaves and ensuring the district's compliance with law. Although implementing the regulations is the responsibility of the Superintendent, they must adhere to the basic principles of the law.</p> <p>Required notices shall be posted by the district.</p> <p>Employees shall be advised of their rights, and 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) workweeks of leave.</p> <p>The leave provided for under the FMLA will not exceed twelve (12) workweeks in any consecutive twelve (12) month period.</p> <p><u>Qualifying Events</u></p> <p>A leave under this policy for any eligible employee shall be granted for the following purposes:</p> <ol style="list-style-type: none">1. Birth and first-year care of a child.2. Adoption or foster placement of a child.3. Serious illness of an employee's spouse, child or parent.4. Serious health condition that makes the employee unable to perform the essential functions of his/her position.5. Qualifying exigency, as defined in Department of Labor regulations, arising from the fact that the employee's spouse, child or parent 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.
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6. Care of a person, child, parent or next of kin who is a covered servicemember 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.

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) workweeks 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.

Eligible employees shall be granted up to twelve (12) workweeks of unpaid leave per leave year for any military-related qualifying exigency.

Eligible employees shall be granted up to twenty-six (26) workweeks of unpaid leave per leave year to care for a military servicemember with a serious injury or illness.

The total, combined available FMLA leave for an eligible employee (including military-related leave) per leave year shall not exceed twenty-six (26) weeks.

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) workweeks 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.

29 U.S.C.
Sec. 2612

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 law. 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., childrearing 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 premiums, 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.

Restrictions Regarding Intermittent Leave For Instructional Employees

Employees whose regular duties include teaching responsibilities and who require intermittent leave for more than twenty percent (20%) of the total number of working days in the period of the leave may be required to:

1. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment.
2. Transfer temporarily to an alternative position which better accommodates recurring periods of leave with no reduction in pay and benefits.

Restrictions Regarding Family And Medical Leave Near The End Of The Semester

The Board, at its option, may extend the period of leave requested by instructional employees near the end of a semester.

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).

References:

Family and Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.

Family and Medical Leave, Title 29, Code of Federal Regulations – 29 CFR
Part 825

Board Policy – 000, 813