

SECTION: Administration

TITLE: Family & Medical Leave Policy

CATASAUQUA AREA SCHOOL DISTRICT

ADOPTED: November 10, 2005

REVISED: November 10, 2005

REVIEWED: November 10, 2005

FAMILY & MEDICAL LEAVE ACT OF 1993 (FMLA)	In accordance with the Family and Medical Leave Act of 1993 (the FMLA), the Catasauqua Area School District affords its eligible employees leave (FMLA leave) as set forth in this policy.	1 2 3 4 5
	<u>ELIGIBILITY</u>	6 7
	All employees who have been employed by the district for at least 12 months and have worked at least 1,250 hours within the previous 12-month period are eligible for family and/or medical leave of absence.	8 9 10 11
	<u>GENERAL</u>	12 13
	Family or medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of his or her accrued paid vacation leave, sick leave, or personal leave. If the leave is requested for any of the other reasons listed below, an employee must use all of his or her accrued paid vacation or personal leave. The family & medical leave will commence when all of the above vacation, sick leave, or personal leave days have been exhausted.	14 15 16 17 18 19 20
	<u>REASONS FOR LEAVE</u>	21 22 23
	Eligible employees may take up to 12 weeks of unpaid leave in any 12-month period under four circumstances that are critical to the life of a family. Leave may be taken:	24 25 26 27
	1. upon the birth of the employee's child or in order to care for such child;	28
	2. upon the placement of a child with the employee for adoption or foster care; the entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement.	29 30 31 32
	3. when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or	33 34
	4. when the employee is unable to perform the function of his or her position because of a serious health condition.	35 36 37 38

Policy #304 – Family & Medical Leave – Page 2

DEFINITIONS

“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.

“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.

“Employment Benefits” include all fringe benefits provided or made available by the district, including group life insurance, health insurance and sick leave.

“Parent” means the biological parent or an individual who stood in loco parentis to an employee when the employee was a child.

“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 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Spouse” means a husband or wife.

“Twelve-Month Period” means July 1 to June 30.

“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.

EXCEPTION

If the employee on leave is a salaried employee and is among the highest paid ten percent 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.

“Equivalent” means substantially the same but not exactly equal.

REQUIREMENTS – MEDICAL CERTIFICATION

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 or her position.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Policy #304 – Family & Medical Leave – Page 3

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.

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, approved jointly by the district and the employee.

The leave shall commence as soon as the employee has proven his or her eligibility based on the qualifying event. The Board required that the employee must use all earned sick, personal, emergency and vacation days before taking unpaid leave. This use of other paid leaves of absence will count in part or whole toward the 12 work weeks of guaranteed leave.

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 30-day notice before the date the leave is to begin shall be provided where practicable.

Leave may be taken on an intermittent schedule if medically necessary for a serious health condition of the employee or his or 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.

Spouses who are both employed by the district are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child or for the care of a sick parent.

BENEFITS COVERAGE DURING LEAVE

During a period of family or medical leave, an employee will be retained on the district's health plan under the same conditions that applied before the leave commenced.

An employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his or her group insurance coverages by arranging to pay his or her portion of the premium contributions during the period of unpaid absence.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Policy #304 – Family & Medical Leave – Page 4

In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the district may recover from the employee the cost of any district payments made to maintain the employees 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 work day 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:

- a.) The leave begins more than five weeks before the term’s end, will last at least three weeks, and the employee would return to work within three weeks of the end of the term;
- b.) The leave is for a purpose other than the employee’s serious health condition, begins during the five week period before semester’s end, will last more than two weeks, and the employee would return during the two week period before the end of the term; or
- c.) The leave is for a purpose other than the employee’s own serious health condition, begins during the three week period before the end of the term, and will last more than five 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 business office.

If practical, 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 stating:

- 1.) The date on which the serious health condition commenced;
- 2.) The probably duration of the condition; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Policy #304 – Family & Medical Leave – Page 5

3.) The appropriate medical facts within the knowledge of the health care provider regarding the condition.

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.

For purposes of leave for an employee’s illness, the certificate must state that the employee is unable to perform the functions of his or her position.

In the care 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

