

COUNCIL ROCK SCHOOL DISTRICT

SECTION: SUPPORT EMPLOYEES

TITLE: FAMILY AND MEDICAL
LEAVES

ADOPTED: November 5, 1998

REVISED:

535. FAMILY AND MEDICAL LEAVES	
1. Purpose P.L. 103-3 of 1993	<p>The purpose of this policy is to address certain leave of absence issues and to ensure the school district's compliance with the Family Medical Leave Act.</p>
2. Delegation of Responsibility	<p>The Superintendent shall develop administrative regulations regulating leaves and ensuring the district's compliance with the Family and Medical Leave Act (hereinafter referred to as "FMLA"). Although the details of the regulations are to be left to the discretion of the Superintendent, the guidelines must adhere to the established basic principles.</p>
3. Guidelines	<p>Required notices shall be posted.</p> <p>Guides advising employees of their rights and responsibilities shall be 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>All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on forms developed by the Superintendent. The forms shall request sufficient information from which it may be determined whether the leave qualifies as an FMLA leave.</p> <p>If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, district policy or statutory mandate, the employee may utilize said leave during the FMLA leave at his/her discretion.</p> <p>Medical certification forms as allowed by the FMLA shall be required whenever authorized by the FMLA.</p>

Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of a collective bargaining agreement or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice heretofore has not required a fitness-for-duty certificate to be provided.

Seniority shall accrue during FMLA leaves for all purposes and credit shall be given during FMLA leaves for accruals for other leaves.

For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave "in any twelve-month period," the district shall utilize a rolling twelve-month period measured backwards from the date leave is used so as to avoid stacking of back-to-back leave entitlements.

Employees are not required to utilize FMLA leave whenever they qualify for other available full-day leave to which they may be entitled.

An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:

1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures) or
2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.

Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the Family and Medical Leave Act. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the Act.

This policy was adopted, in part, because of the enactment of the Family and Medical Leave Act. Should that Act be repealed or declared invalid, in whole or in part, this policy shall become wholly void, and a new policy will be adopted if and as necessary to comply with law.

The Board directs the administration to evaluate the effects of this policy after it has been in operation for two (2) full years and to advise the Board on the effects of this policy in general. As part of the report, the Board shall be advised about the effects with respect to:

1. Not requiring employees to use accumulated leaves during FMLA leave.
2. Allowing employees to use full-day accumulated leaves prior to designating leaves as FMLA leaves.
3. Not establishing permissible limitations as authorized by the Family and Medical Leave Act for periods near the conclusion of academic terms.