

FAMILY AND CHILD REARING LEAVE

Family Leave

Employees are entitled to family leave pursuant to the state Family Leave Act, N.J.S.A. 34:11-B-1 et seq., and the federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq.

An employee shall be eligible for state family leave once he or she has worked for at least twelve (12) months, for at least 1,000 hours. An employee shall be eligible for federal leave after he or she has worked for at least twelve (12) months, for at least 1,250 hours.

An eligible employee is entitled to leave pursuant to the state act for the birth or adoption of a child or for the serious health condition of a family member. An eligible employee is entitled to leave pursuant to the federal act for the birth or adoption of a child, the serious health condition of a family member or the employee's own serious health condition.

An employee who takes leave pursuant to the state act is entitled to twelve (12) weeks of leave in a twenty-four (24) month period. An employee who takes leave pursuant to the federal act is entitled to twelve (12) weeks of leave in a twelve (12) month period. The leave pursuant to both acts shall be without pay, but, health benefits, if any, shall be continued.

An employee on family leave shall not work full-time for another employer, unless he or she was so employed full-time prior to the commencement of family leave. No teacher on family leave shall, on the basis of such leave, be denied the opportunity to substitute in the Rutherford School District.

In addition to the twelve (12) weeks of family leave to which an Board employee is entitled by law, an employee may also be entitled to additional child rearing leave pursuant to the terms of this policy.

Child Rearing Leave

Employees shall have the right to apply for child rearing leave beyond that to which they are statutorily entitled. In cases where both husband and wife are teachers in the district, only one of said persons shall be entitled to such leave.

Applications for child rearing leave shall be filed at least three (3) months before the anticipated birth of the child. The dates for the commencement and termination of child rearing leaves shall in all cases be subject to and based upon a finding and determination by the Board that such leaves will not substantially interfere with the administration of the school or with the education of pupils. Where a child rearing leave is requested the teacher requesting such leave shall not be permitted to return to the school system following such leave during the last month of the school year.

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When an employee commences a child rearing leave prior to January 1, the employee shall be entitled, upon request, to the remainder of that school year and the next entire school year. When an employee commences his/her child rearing leave after January 1, the employee shall be entitled, upon request, to the remainder of that year and the next two (2) entire school years. When the child rearing leave begins after the completion of the school year, the employee, upon request, is entitled to two (2) entire school years.

Child rearing leave will be in one year intervals. When on child rearing leave, the employee shall inform the Board of Education of their intention for the next school year by April 1. Employee intention means to either extend the child rearing leave for another year or to return to work the following year.

The Board hereby authorizes the Superintendent to develop regulations which are consistent with this policy.

Legal References: N.J.S.A. 34:11B-1 et seq.
 N.J.A.C. 13:14-1.1 et seq.
 29 U.S.C. 2601 et seq.
 29 C.F.R. 825

Cross Reference: Policy Guide Number 4150
 Policy Guide Number 4151.4

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