

FAMILY LEAVE REGULATION

An employee who desires to take a leave of absence to care for a child, an ill family member, or for the employee's own illness, shall set forth his/her request in writing to the Superintendent. The employee need not indicate the statute pursuant to which he/she will be taking the requested leave. However, the employee shall provide the Superintendent with enough information about the reason for the leave so that the Superintendent is able to determine under which statute, if any, the leave is taken. Once the Superintendent determines that the leave requested qualifies as family leave, the employee will be notified that the leave, if approved, will count against the employee's statutory family leave entitlement.

If an employee specifically requests family leave, he or she may be asked to sign a certification as a precondition to the granting of the leave request, which attests to the fact that the purpose of the leave qualifies as one of the purposes under either the state Family Leave Act or the federal Family and Medical Leave Act. An employee who signs a false certification may be subject to discipline.

An employee desiring to take family leave to care for a child shall apply for said leave in writing to the Superintendent ninety (90) calendar days before the leave is to commence. He/she must supply the Board with the day on which said leave is to commence and the date on which he/she expects to return to work. Said employee may take family leave to care for a child within one year of the birth of a child or the placement of an adopted child.

In the case of a female employee who has given birth to a child, she may apply for a family leave to care for her child to commence subsequent to the presumptive period of disability (which is four weeks prior to and four weeks subsequent to the birth of her child). Before applying for disability leave or family leave, the employee must supply the Board with a physician's certificate which indicates the anticipated date of delivery.

Intermittent leave is leave which is taken in separate blocks of time. The leave periods could be for several hours, several days or several weeks. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken for several days at a time for chemotherapy. Reduced leave is when an employee works fewer days in a week than what he/she works normally in a week.

The Board has the discretion to determine whether leave will be granted to an employee on an intermittent or reduced basis where the leave is requested to care for a child. However, employees are entitled to such leave where medically necessary for a family member's illness or for an employee's own illness.

An employee desiring to take family leave to care for an ill family member, shall apply in writing to the Superintendent as early as possible considering the circumstances of the illness, but not less than 30 days prior to the date the leave is to commence. The application shall be supported by a physician's certification which states:

- a. The date on which the serious health condition commenced.
- b. The probable duration of the condition, and

FAMILY LEAVE REGULATION

- c. The medical facts within the physician's knowledge regarding the condition.

Applications for leave to commence less than thirty (30) days from the date of the application, shall be considered by the Board on a case-by-case basis.

Family leave to care for a child and family leave to care for a family member will generally count against an employee's entitlement pursuant to both the state and federal statute. However, family leave for an employee's own serious health condition counts only against the federal entitlement. A request for family leave due to an employee's own illness must be supported by a physician's certificate which states:

- a. The date on which the serious health condition commenced.
- b. The probable duration of the condition, and
- c. The medical facts within the physician's knowledge regarding the condition.

During an employee's leave, the Board may require that the employee report periodically to the Superintendent on the employee's intent to return to work. In addition, the Board may require the employee to sign a certification in which the employee attests to his/her intent to return to work. If, contrary to the certification, an employee does not return to work at the expiration of the leave, the Board may be entitled to recover the amount of the premium for the employee's health benefits during the leave. However, the Board is not entitled to recover the premium if the reason the employee did not return to work is the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

To determine at what point an employee is entitled to family leave and how much family leave an employee is entitled to, the Superintendent shall use the following method:

- a. An employee must have been employed for twelve months;
- b. At most, an employee can take twelve (12) weeks of leave in a twelve (12) month period.
- c. If an employee wants twelve weeks leave starting September 1, then the Superintendent will examine the twelve months previous to November 30 to determine if any family leave was taken previously in that time period.
- d. If none has been taken, the employee is entitled to the leave. If leave has been taken, the Superintendent must determine whether less than twelve weeks of leave was taken in that time period.
- e. If less than twelve (12) weeks of leave was taken, the employee is eligible for the difference between the amount of leave taken in that time period and twelve (12) weeks. Therefore, if four (4) weeks of leave was taken, the employee is entitled to take eight (8) weeks of leave.

When family leave is granted it shall be unpaid leave. The only exception is when the family leave is requested due to an employee's own illness and the employee has accrued sick days. In such

FAMILY LEAVE REGULATION

a situation, any accrued sick days shall be used during the employee's family leave. Employees are entitled to twelve (12) weeks of medical benefits during a family leave. However, no other benefits will be provided to employees on family leave.

An employee who takes a family leave pursuant to this regulation shall be entitled to return to the position held prior to the leave or to any equivalent position of like seniority status, employment benefits, pay and other terms and conditions of employment. However, if a reduction in force occurs while the employee is on leave and the employee would have lost his/her job anyway, the employee is not entitled to be reinstated to his/her former position upon termination of the leave.

All benefits to which an employee was entitled at the time his/her leave of absence commenced, shall be restored upon his/her return.

To be eligible for a salary increment, an employee must work at least half of the academic year in which the leave commenced.

Adopted: May 8, 1995
Renumber: 07/12/04 (4437-R)
Revised: May 13, 2013