

PERSONNEL

4118.15(a)

4218.15(a)

Administrative Regulation

FAMILY AND MEDICAL LEAVE

Eligibility

All employees who have worked for the district for at least twelve (12) months and at least 1,250 hours during the twelve (12) months immediately preceding commencement of the leave are eligible for unpaid leave under the FMLA for the following reasons:

- to care for the employee's child after birth or placement for adoption or foster care (must conclude within 12 months of the birth or placement);
- to care for the employee's spouse, child or parent who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the functions of his or her position, including incapacity due to pregnancy, prenatal medical care or child birth;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons (note – more detailed information on the following categories is available from the Superintendent's office or the office of the Business office):
 - (a) short notice deployment;
 - (b) military events and related activities;
 - (c) childcare and school activities;
 - (d) financial and legal arrangements;
 - (e) counseling;
 - (f) rest and recuperation;
 - (g) post-deployment activities;
 - (h) additional activities that arise out of the active duty or call to active duty status of a covered military member, provided that Litchfield Board of Education and the employee agree that such leave qualifies as an exigency, and agree to both the timing and the duration of such leave.

PERSONNEL

4118.15 (b)

4218.15 (b)

Administrative Regulation

Leave Provisions

If a leave is requested for one of the above-listed reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in any 12-month entitlement period.

For purposes of this policy, the twelve month period shall be defined as the twelve month period measured forward from the date an employee's first FMLA Leave began. The next twelve month period would begin the first time FMLA Leave is taken after completion of any previous twelve month period.

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12 month entitlement periods.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment in connection with or consequent to in-patient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;
- A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involved:

(1) treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. The requirement for treatment by a health care provider means an in-person visit to a health care provider.

The first (or only) in person treatment visit must take place within seven days of the first day of incapacity. Whether additional treatment visits or a regiment of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

PERSONNEL

4118.15 (c)

4218.15 (c)

Administrative Regulation

Leave Provisions (con't)

- Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than (3) calendar days. For chronic conditions, the employee must have at least two in-person visits for treatment by a health care provider each year; or
- Prenatal care.

Additional Leave to care for an Injured or Ill Service Member

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12-month period to care for an injured or ill service member who is the employee's spouse, parent, child or next of kin, and who incurred the injury or illness in the line of duty and while on active duty in the Armed Forces. The injury or illness must render the service member medically unable to perform the duties of his/her office, grade, rank or rating. This provision applies to service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or who are on the temporary disability retired list, for a serious injury or illness.

When combined with any other type of FMLA qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. *However*, in the case of leave to care for an injured or ill service member, the 12 month period begins on the day such leave actually commences.

Intermittent Leave/Reduced Hours

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. There are special rules regarding intermittent leave by instructional employees, and an employee may be required to take a leave for a longer period of time or be transferred to an alternative position based on the specific request and the impact on instructional time.

- Intermittent leave may be taken whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work.
- Requests for intermittent leave for birth and care or placement for adoption or foster care of a child are subject to approval by the Superintendent of Schools.

PERSONNEL

4118.15 (d)

4218.15 (d)

Administrative Regulation

Leave Taken by Instructional Employees Near the End of an Academic Term

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

Substitution of Accrued Leave

Employees may be required to use their available accrued leave time, such as Personal Leave and/or vacation time, during the FMLA Leave period. When the FMLA Leave is taken because of a serious health condition of the employee, the employee will be required to use any available accrued sick days during the leave. Employees will be notified of the requirement to use any accrued leave as soon as possible, but definitely before the date of expiration of the FMLA Leave.

Maintenance of Health Benefits

During FMLA Leaves of Absence, the district will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premiums. If accrued leave is used for any or all of the FMLA Leave, premium deductions will be made on the same basis as if not on leave during that period. Arrangement may be made to pre-pay or post-pay the employee's share of the premiums on either a pre-tax or post-tax basis for periods of unpaid leave.

Failure of the employee to pay his/her share of the health insurance premiums may result in loss of coverage.

If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the district for the payment of health insurance premiums during the FMLA Leave, unless the employee does not return because of the presence of a serious health

PERSONNEL

4118.15 (e)

4218.15 (e)

Administrative Regulation

Maintenance of Health Benefits (con't)

condition which prevents that employee from performing his/her job or circumstances beyond the control of the employee.

Life and Long Term Disability insurance coverage will continue at no cost to the employee during periods of FMLA Leave.

Employee Notice - Foreseeable/Unforeseeable Need

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the district at least thirty (30) days' notice of their intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty

(30) days from the date of notice, such notice should be provided as soon as practicable. When the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- give at least thirty (30) days' notice or as soon as practicable if treatment starts in less than thirty (30) days; and
- make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the district, subject to the approval of the health care provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practicable.

Certification of Physician/Practitioner

Any leave request based on a family member's or employee's own serious health condition must be supported by certification from a health care provider. The employee must provide a "Physician or Practitioner Certification" form to the district within fifteen (15) days, unless otherwise agreed upon. This form may be obtained from the Superintendent's office or the Business Office. Certification from the health care provider must contain:

- the date the serious health condition began;
- the possible duration of the condition;
- if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;

PERSONNEL

4118.15 (f)

4218.15 (f)

Administrative Regulation

Certification of Physician/Practitioner - (continued)

- in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.

Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members, shall be maintained in separate files/records and treated as confidential medical records.

Return to Work

The district reserves the right to require an employee on FMLA Leave to report periodically on his/her status and intention to return to work. Also, periodic recertification of the medical condition may be required.

An employee taking leave due to the employee's serious health condition will be required to obtain certification that they are able to resume work prior to returning from any FMLA Leave.

The district will consider the nature of the employee's serious health condition and the demands of the employee's position when deciding whether to require certification of ability to resume work.

Employees who return to work from FMLA Leave of Absence within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Legal Reference: P.L. 103-3 and 29 CFR Part 825 The Family and Medical Leave Act of 1993

Litchfield Board of Education

Regulation Adopted: December 10, 1996

Regulation Reviewed: October 1, 1998

Regulation Reviewed: June 10, 2009

Regulation Reviewed: August 10, 2011