FAMILY AND MEDICAL LEAVE

NOTIFICATION AND REPORTING
When the need for a family and medical leave of absence (FMLA leave) is foreseeable, the employee shall provide at least 30 days prior notice to the district unless circumstances dictate otherwise. If the requested FMLA leave is because of a military-related qualifying exigency and the leave is foreseeable, the employee shall provide notice to the district as is reasonable and practicable. With respect to foreseeable medical treatments, the employee shall make a reasonable effort to schedule treatment so as not to disrupt district operations.

If the need for FMLA leave is unforeseeable, the employee shall provide notice to the district as soon as practicable under the circumstances.

If an employee’s requested FMLA leave also constitutes paid leave under another Board policy and/or negotiated agreement, the FMLA leave and other applicable leave shall run concurrently.

In the absence of an employee’s request for FMLA leave, the district may independently determine whether an employee’s leave under another Board policy and/or negotiated agreement constitutes FMLA leave and, if so, shall notify the employee that the leave will be counted against the FMLA leave to which the employee is entitled.

If the FMLA leave is due to illness, the employee shall report periodically on his or her leave status and intention to return to work.

If the requested FMLA leave is because of a military-related qualifying exigency, the district may require the employee to provide supporting documentation of such exigency.

The district may also require the employee to show certification of the familial relationship if the request for FMLA leave is to care for a family member with a serious health condition, to care for a covered servicemember with a serious injury or illness, or in connection with a military-related qualifying exigency.

MEDICAL CERTIFICATION
The district shall require medical certification to support a leave claim for an employee’s own serious health condition; to care for the employee’s child, spouse or parent with a serious health condition; or to care for a covered servicemember’s serious injury or illness. The medical certification will be sufficient if it contains the date on which the condition or injury/illness commenced, the probable duration of the condition or injury/illness and any appropriate medical information.

For an employee's own serious health condition, the medical certification also must include a statement that the employee is unable to perform the functions of the position. For leave to care for a child, spouse partner in a civil union, domestic partner, or parent with a serious health condition or to care for a covered servicemember with a serious injury or illness, the medical certification must include an estimate of the amount of time the employee is needed to provide care.

In its discretion and in accordance with the FMLA, the district may require a second or third medical opinion and periodic re-certifications as the district deems reasonably necessary.

Medical certification for intermittent leave must indicate the dates on which treatment is expected to be given and the duration of the treatment. For leave to care for a child, spouse, or parent with a serious health condition or to care for a covered servicemember with a serious injury or illness, the medical certification must include a statement that the employee's
intermittent leave is necessary to care for the family member and the expected duration and
schedule of treatment.

For the employee's own intermittent leave, the medical certification must contain a statement
indicating the medical necessity of the intermittent treatment and its expected duration.

RETURN TO WORK
An employee who has taken leave due to the employee’s own serious health condition shall
provide a medical certification from the employee’s physician that the employee is able to
resume work. In addition, the district reserves the right to consult with a public health official if
there is any question about possible transmission of a disease in the school setting.

The following return to work provisions apply to teachers:

1. If the teacher begins any category of FMLA leave five or more weeks prior to the end of the
   semester and the leave is for more than three weeks, the district may require the teacher
   seeking to return within the last three weeks to continue leave through the end of the
   semester.

2. If the teacher begins any category of FMLA leave except for the teacher’s own serious
   health condition less than five weeks before the end of the semester and the period of leave
   is greater than two weeks, the district may require the teacher seeking to return within the
   last two weeks to continue the leave through the end of the semester.

3. If the teacher begins any category of FMLA leave except for the teacher’s own serious
   health condition three or fewer weeks before the end of the semester and the period of
   leave is greater than five working days, the district may require the teacher to continue the
   leave through the end of the semester.

REPAYMENT OF BENEFITS
If an employee fails to return to work upon completion of an approved FMLA leave, the district
may recover from the employee the cost of any payments made to maintain the employee's
group health insurance coverage unless the failure to return to work was due to a continuation,
recurrence or onset of a serious health condition as certified by a physician that entitles the
employee to leave, or for other reasons beyond the employee's control.

POSTING/NOTICE TO EMPLOYEES
Building principals/administrators shall post notices explaining the rights and responsibilities
under the Family and Medical Leave Act (FMLA) in locations where they can be readily seen by
employees and applicants for employment.

Notice of FMLA rights and responsibilities shall also be incorporated into employee handbooks
or provided directly to employees.

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