

Family and Medical Leave Provisions

The Board shall provide a plan for leaves and absences designed to help members of the certificated staff maintain their physical and mental health, take care of family and other personal emergencies, improve professionally, and discharge important and necessary obligations.

Under the Family and Medical Leave Act (FMLA) certain essential requirements prevail. Such leaves and absences shall be granted in accordance with the law and Board policies pertaining to specific types of leaves. Employees may request leave in writing stating one of the reasons listed below, duration of leave, and any special circumstances to consider.

Federally-Mandated Family Leave

The provisions of this section shall apply to all family, physical or mental medical leaves of absence except to the extent that paid leaves are covered under other Board policies for any part of the 12 weeks of leave to which the employee is entitled. Some leaves may be used simultaneously. If an employee is entitled to paid leave under another policy, the employee must take all of the paid leave available to them first. If the employee desires more than 12 weeks of leave, Policy GCCAG/GCCCBA, Instructional/Administrator Staff Extended Leaves, applies. The total cap of permissible Family and Medical Leave Act (FMLA) leave is fifty-two (52) weeks, which may include twelve (12) weeks of designated FMLA leave.

To be eligible for leave under this policy, an employee shall have been employed for at least 12 months and shall have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave. An eligible employee shall be entitled to a combined total of 12 weeks' leave per year under particular circumstances that are critical to the life of a family.

Leave may be taken upon the birth and for the first-year care of the employee's child; upon the placement of a child with the employee for adoption or foster care; when the employee is needed to care for a child, spouse or parent who has a serious health condition; or when the employee is unable to perform the functions of his position because of a serious health condition.

Spouses who are both employed by the District shall be entitled to a total of 12 weeks for leave (rather than 12 weeks each) for the birth or adoption of a child or for family illness.

Entitlement for childcare leave shall end after the child reaches age one or 12 months after adoption of foster placement. Leave to care for a child shall include leave for a stepparent or person in loco parentis. Requests for intermittent FMLA leave for care of a well child will not be granted

If medically necessary for a serious condition of the employee or the employee's spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to instructional employees. The district may require the employee to

transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule provided that the position has equivalent pay and benefits.

When a health condition is identified as being covered by FMLA, leave may be applied retroactively but under specific condition that the employee is out on paid leave when the FMLA qualifications are discovered.

When an employee knows of an impending absence he/she should put in the necessary time to create a plan for how the work should be handled.

If the employee carries the District group health insurance, the District shall maintain coverage under the plan for any employee who is granted an approved leave of absence under this policy for the duration of the leave (up to 12 weeks). Such coverage shall be maintained at the same level and under the same conditions as coverage would have been provided if the employee were not on leave. The district reserves the right to seek reimbursement for this benefit in the event that an employee elects not to return to work, as allowed by law.

If an employee uses sick days sporadically, the employee's physician will need to complete a medical certification to ascertain whether the illness is due to a serious medical condition and counted as FMLA Leave. Employees on leave should communicate with District personnel officials on a monthly basis.

Reinstatement shall be to a comparable position or, if possible, to the same position. If the employee on leave is a salaried employee and is among the highest paid 10 percent of district employees and keeping the job open for the employee would result in substantial economic injury to the District, the employee may be denied reinstatement provided the District notifies the employee of its intent to deny reinstatement at the time economic hardship occurs and the employee elects not to return to work after receiving the notice.

A fitness-for-duty examination or release to return to work may be required based on the nature of the illness or its duration.

The Superintendent is directed to develop procedures to require appropriate medical certifications, notification and reporting which are consistent with law.

Any absence provided through FMLA, whether paid or unpaid (including absences paid by worker's compensation or short-term disability). Will automatically count against the employee's 12 week FMLA allowance that is provided to them in a 12 month period.

If an employee has any questions regarding their eligibility for leave under the FMLA, they should contact the Office of Human Resource Services.

LEGAL REF: P.L. 103-3 (Family Medical Leave Act)

Note: This law provides that the District shall not be in violation of other federal laws such as those governing the District's responsibility to educate handicapped children solely as the result of an eligible employee taking family medical leave.

CROSS REFS:

GCCAA, Instructional Staff Sick Leave

GCCAB, Instructional Staff/Personal/Emergency/Legal/Religious Leave

GCCAC, Instructional Staff Maternity/Paternity/Parental Leave

GCCB, Administrative Staff Personal/Emergency/Legal/Religious Leave

GCCBC, Administrative Staff/Maternity/Paternity/Parental Leave