

<b>BOARD POLICIES</b>	<b>FAMILY AND MEDICAL LEAVE (BP-7015)</b> METRO TECHNOLOGY CENTERS	<b>The on-line version of the policy is official. Therefore, all printed versions are unofficial copies.</b>
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**1.0 POLICY:**

**I**

**Purpose of Policy**

This policy is meant to comply with the Family and Medical Leave Act (FMLA) of 1993, P.L. 103-3, United States Congress. If said Act is amended, this policy will be considered to have been amended in the same manner.

**II**

**Definition**

The word “employee” for purposes of this policy is defined as any individual employed by District who has rights to leave which are based outside this policy. This policy shall only apply if such individual has completed twelve (12) months of continuous employment, and the employee has provided at least 1,250 hours service during that time. Certified teachers shall be considered to have completed the continuous employment criterion if they meet the terms of the negotiated agreement.

**III**

**Coordination of Leave Benefits**

At no time shall the District be required to provide any additional paid leave in any situation in which the District would not normally have provided any such paid leave outside this policy. Leave, except as used in Part III to refer to leave rights created outside this policy, shall be leave without pay unless the employee has leave benefits outside this policy and not connected to it. The leaves must run concurrently. All employees exercising rights under this policy must utilize all District accrued paid vacation leave, personal leave and any statutory required leave, for leave provided under subparagraphs A, B, C, and/or D below. It is the intent of the District not to create any entitlement to further paid leave than existed prior to this policy. If the leave required for the employee under the FMLA is exhausted prior to the District provided leave days being exhausted, the employee may be allowed to use District provided leave, but all rights created by the FMLA will end.

**IV**

**Leave Entitlement**

All employees, as defined above, shall be entitled to a total of 12 work weeks of leave during a 12-month period. The 12-month period will be measured backward on a rolling 12-month basis from the date leave is used. This leave shall be allowed for one or more of the following reasons.

- A. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- B. Because of the placement of a son or daughter with the employee for adoption or for foster care to be provided by the employee.

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- C. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter or parent has a serious health condition.
- D. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- E. Eligible employees who are family members of covered service members with a serious illness or injury incurred in the line of duty on active duty will be able to take up to 26 work weeks of leave in a single 12-month period. Sick leave, personal leave, and annual leave can be taken in conjunction with the unpaid family leave.

## V

### Restrictions and Limitations

- A. **Birth or Placement:** The entitlement to leave under subparagraphs A and B above for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement. Leave taken under subparagraphs A or B above shall not be taken intermittently or on a reduced leave schedule. All persons asking for leave under A and B shall give at least 30 days advance notice unless such notice is not practicable, in which case, as much notice as possible should be given.
- B. **Husband and Wife both Employed by District:** In any case in which a husband and wife entitled to leave described above are both employed by the District, the aggregate number of work weeks of leave to which both may be entitled shall be limited to a 12-month period if such leave is taken under subparagraphs A or B or the leave is to care for a sick parent under subparagraph C.
- C. **Reduced or Intermittent Leave:** Intermittent or reduced leave schedule is possible under subparagraph C or D when medically necessary.

## VI

### Medical Certification

- A. **Requirements:** Before leave can be granted under paragraph C or D above, the employee must provide the District with sufficient certification from a recognized health care provider which includes:
  1. The date on which the serious health condition commenced.
  2. The probable duration of the condition.
  3. The appropriate medical facts within the knowledge of the health care provider regarding the conditions.

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4. Under C., a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent.
- B. **Second Opinion:** The District may require, at the expense of the District, that the eligible employee obtain the opinion of a second health care provider designated or approved by the District concerning any information certified by the employee or the employee's medical care provider, for leave under C. and D.
- C. **Third Opinion:** In any case in which the employee's health care provider and the employer's health care provider differ, the District shall require, at the expense of the District, that the employee obtain the opinion of a third health care provider designated or approved jointly by the District and the employee.
- D. **Binding Opinion:** The opinion of the third health care provider shall be considered to be final and binding on both the District and the employee.

## VII TERMINATION OF LEAVE

- A. **Terms and Conditions:** At the end of any leave taken under this policy, the employee shall be entitled to be restored to the position of employment held prior to the leave or to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment; provided, that the employee shall not accrue any seniority or other employment benefits during this period of leave.
- B. **Certification Required to Return to Work:** Prior to returning to work, the employee shall present a certification from the original health care provider of the employee that the employee is able to resume work.

## VIII HEALTH INSURANCE DURING LEAVE

Everything above to the contrary notwithstanding, the District shall maintain paid coverage of the employee under the group health plan if said employee was a part of said group health plan prior to the leave, for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued for the duration of the leave. This coverage shall only be paid by the District for the employee; any coverage for dependents shall be paid by the employee during the leave. The District shall recover all such payments against any employee who does not return to work of the employee's own volition.

**2.0 LEGAL REFERENCE:** 29 U.S.C. § 203(2)(C)(i); The Family and Medical Leave Act of 1993, P.L. 103.3, United States Congress

**3.0 CROSS REFERENCE:** N/A

**4.0 REVISION HISTORY:**

<u>Date:</u>	<u>Revision</u>	<u>Description of Revision:</u>
August 9, 1993	A	Adopted
July 15, 1996	B	Revised
June 29, 1998	C	Revised
September 23, 2002	D	Revised
September 22, 2003	E	Reformatted
November 22, 2003	F	Revised
October 5, 2010	G	Revised

**5.0 PCF FRAMEWORK #:** 10.1 Manage federal, state, and local regulatory requirements

**\*\*\* End of Policy \*\*\***