

Policy Information

Series 5000 - Personnel

Family and Medical Leave Act

Policy # 5420, 4.2

POLICY

1995 5420

Personnel

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Cooperative Educational Services recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during a twelve (12) month period, dating from the start of the fiscal year. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued during the leave, shall not have any previously accrued benefits altered and shall be returned to an equivalent position according to established board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least twelve months, have worked at least 1,250 hours during the 12 months immediately preceding the commencement of the leave, and be employed at a worksite where at least 50 employees are employed by the employer within a 75 mile radius of that worksite.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care. Medical leave shall be provided in order for the employee to take care of a spouse, child, or parent who has a serious health condition or when the employee has a serious health condition rendering him/her unable to perform the functions of the employee's job.

An employee may elect, or the district may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the district may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the district of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The district may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. If after 12 weeks of leave an employee fails to return to work or notify his/her supervisor of mitigating circumstance, abandonment of position may be evoked. The Board may also require the employee to present a fitness-for-duty certificate prior to being restored to active duty. The Superintendent of Schools or designee, may reassign a teacher consistent with the Teachers' Agreement to a different grade level, building or other assignment consistent with the employees certification and tenure area.

An employee who receives paid medical benefits beyond accrued vacation, sick or personal days may be held liable for any incurred medical premium expense during the employee's unpaid FMLA leave if the employee fails to return to work after taking such leave, unless the Board determines otherwise.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided by August 5, 1993 if there is no effective collective bargaining agreement. If there is an effective

collective bargaining agreement, then the Board will provide leave pursuant to the agreement until it expires or until February 5, 1994, whichever occurs earlier. At that date, the Board shall ensure that family and medical leave is available consistent with the Act.

The district shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

FMLA 1993, Pub. Law 103-3

Board Approved
11/16/93
2/2/94
7/18/95

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