

Personnel

HOLDREGE PUBLIC SCHOOLS

FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993

REGULATIONS AND PROCEDURES

A. Eligibility

Any regular full-time employee who has been employed by the School District for the previous twelve months and has worked for at least 1,250 hours during the previous 12 months will be entitled up to 12 work weeks of unpaid leave during a 12-month period for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such child;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, son, daughter, or parent of the employee if that family member has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the functions of his or her position.

A "12 month period" will be measured forward from the date any employee's first Family and Medical Leave (FMLA) is taken. The next 12 month period will begin the first time FMLA leave is taken after the completion of any previous 12 month period.

B. Intermittent or Reduced Leave Schedule

Leave because of the birth of a son or daughter, care for the child, or the placement of a son or daughter for adoption or foster care shall not be taken by an employee intermittently or on a reduced leave schedule unless agreed upon by the employee and the School District. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per work week or hours per workday of an employee. Leave in order to care for a family member with a serious health condition or because of a serious health condition of the employee may be taken intermittently or on a reduced leave schedule when medically necessary. Intermittent or reduced leave shall not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken.

When an instructional employee seeks to take intermittent leave in connection with a family or personal illness (e.g. physical therapy or periodic care for a sick relative), and when such leave would constitute at least 20 percent of the total number of working days in the period

during which the leave would extend, the School District may require the employee to elect to take leave in a block, instead of intermittently, for the entire period or to transfer to an available alternative position within the school system that is equivalent in pay, for which the employee is qualified, and which better accommodates the intermittent leave.

If any employee begins any category of family and medical leave five or more weeks prior to the end of a semester, and the period of leave is for more than three weeks, the School District may require the employee who seeks to return within the last three weeks to wait until the next semester.

If an employee begins any category of family and medical leave (except personal or sick leave) less than five weeks before the end of the semester and the period of leave is greater than two weeks, the School District may require the employee who seeks to return within the last two weeks to wait until the next semester.

If an employee begins any category of family and medical leave (except personal sick leave) three or fewer weeks before the end of the semester and the period of leave is greater than five working days, the School District may require the employee to wait until the next semester.

C. Substitution of Paid Leave

The School District will require that any paid leave provided as an employee benefit for fewer than 12 work weeks will be used first by the employee and included to attain the 12 work weeks of leave provided in this policy. The additional leave will be provided without compensation.

D. Notice

In any case in which the necessity for leave is foreseeable based on an expected birth or placement, the employee must provide the School District with notice, at least 30 days before the date the leave is to begin, of the employee's intention to take leave, or such notice as is practicable if the date of the birth or placement requires leave to begin in less than 30 days.

In any case in which the necessity for leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the operations of the School District, subject to the approval of the health care provider of the employee or the family member. The employee must provide the School District with not less than 30 days' notice before the date the leave is to begin of the employee's intention to take leave, or such notice as is practicable if the date of the treatment requires leave to begin in less than 30 days.

E. Spouses Employed by the School District

If a husband and wife are entitled to the same leave pursuant to this policy, the aggregate number of work weeks of leave to which both may be entitled is limited to 12 work weeks during any 12-month period, unless the reason for the leave is the serious health condition of the employee.

F. Certification

If an employee requests leave for a serious health condition of the employee or of a family member, the School District may require certification from the health care provider of the individual with the serious health condition be provided to the School District in a timely manner.

The certification must state:

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 condition;
4. If the leave is for purposes of leave to care for a serious health condition of someone other than the employee, a statement that the employee is needed to care for the family member and an estimate of the amount of time that the employee is needed to care for the individual;
5. If the leave is requested because of a serious health condition of the employee, a statement that the employee is unable to perform the functions of his or her position; and
6. In the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

The School District reserves the right to require, at the School District's expense, that the eligible employee obtain the opinion of a second health care provider designated or approved by the School District if the School District has reason to doubt the validity of the certification. If the second opinion differs from the original opinion, the School District may require, at the expense of the School District, that the employee obtain a third opinion of a health care provider designated or approved jointly by the School District and the employee. The opinion of the third health care provider will be considered final and binding.

The School District may require that the employee obtain subsequent recertification(s) on a reasonable basis.

Upon return to work the employee shall provide written certification from his or her health care provider that the employee is able to return to resume work.

G. Reporting

The School District may require an eligible employee on leave under this section to report periodically to the School District on the status and intention of the employee to return to work.

H. Restoration to Position

Any eligible employee who takes leave under this policy will be entitled to be restored to the position of employment held by the employee when the leave commenced, or, at the discretion of the School District, to be restored to an equivalent benefits, pay, and other terms and conditions of employment. For employees whose employment requires a teaching certificate, equivalent position shall mean a position requiring a teaching certificate. Any leave taken under this policy will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

An eligible employee is not entitled to accrual of any seniority or employment benefits during any period of leave, or any right, benefit, or position of employment other than that to which the employee would have been entitled had the employee not taken leave.

The School District may require each employee to receive certification from the health care provider of the employee that the employee is able to resume work.

I. Maintenance of Health Benefits

The School District will maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continuously continued in employment.

An employee who personally contributes all or a share of the health coverage must make arrangements with the School District to pay for the coverage while on leave.

1. Failure to Return from Leave

The School District may recover the premium that the School District paid for maintaining coverage for the employee under a group health plan during any period of unpaid leave if the employee fails to return from leave after the period of leave to which the employee is entitled for reasons other than the continuation, recurrences, or onset of a serious health condition which would entitle the employee to leave under this section, or

other circumstances beyond the control of the employee.

J. Maintenance of Non-Health Insurance Benefits

The School District will maintain coverage under all group non-health insurance benefit programs (e.g. life, LTD etc.) for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continuously continued employment.

An employee who personally contributes all or a share of the costs of non-health insurance coverage must make arrangements with the School District to pay for coverage while on leave.

The School District will maintain coverage under any group non-health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continuously continued in employment.

An employee who personally contributes all or a share of the non-health cost coverage must make arrangements with the School District to pay for the coverage while on leave.

1. Failure to Return from Leave

The School District may recover the premium that the School District paid for maintaining coverage for the employee under a group "non-health" plan during any period of unpaid leave if the employee fails to return from leave after the period of leave to which the employee is entitled for reasons other than the continuation, recurrences, or onset of a serious health condition which would entitle the employee to leave under this section, or other circumstances beyond the control of the employee.

K. Certification of Inability to Return to Work

The School District may require that a claim that an employee is unable to return to work because of the continuation, recurrence or onset of a serious health condition be supported by a certification issued by the health care provider of the employee or family member, and provided to the School District in a timely manner. The certification must state that a serious health condition prevented the employee from being able to perform the functions of his or her position on the date that the leave of the employee expired. If the leave is due to a serious health condition of a family member, the certification must state that the employee is needed to care for the family member on the date that the leave of the employee expired.

Article 4

PERSONNEL

Regulation No. 4007A

Date of Adoption: January 10, 2005