

BARNSTEAD SCHOOL DISTRICT
Family and Medical Leave Act

Consistent with the federal Family and Medical Leave Act of 1993, the School District recognizes that eligible employees have access to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. Further, in 2008, Congress passed amendments to the FMLA which require employers to provide (a) up to 26 weeks of leave for family members caring for military veterans injured while on active duty in the U.S. Armed Forces and (b) 12 weeks of leave to family members of armed services personnel called to active duty under certain circumstances.

The intent of this policy is to summarize the Act as it applies to eligible employees of the School District. Employees should consult regulations that implement the Act for more specific definitions and criteria for use. It is not the intent of this Policy to provide additional or different provisions than those specified in the Act and its implementing regulations.

To be eligible for family or medical leave, an employee must have been employed for at least twelve (12) months, have worked at least 1,250 hours during the prior twelve months, and be employed at a work-site where at least 50 employees are employed by the District within a 75-mile radius of that work-site.

Family leave shall be provided when a son or daughter is born to the employee or when one is placed with the employee for adoption or foster care. Medical leave shall be provided for the serious health condition of the employee that makes the employee unable to perform the functions of his/her job, or in order for the employee to take care of a spouse, child, or parent who has a serious health condition rendering him/her unable to perform the functions of his/her job. As well, because of a qualifying exigency arising out of the fact that an employee's spouse, son or daughter, or parent is on active duty of call to active duty status in support of a contingency operation as a member of the National Guard or Reserves or because an employee is the spouse, son or daughter, parent, or next of kin of a covered service member with a serious injury or illness.

The District will require, an employee to use accrued paid vacation, personal, or family leave for purposes of family leave. The District will require an employee to use accrued vacation, personal, or medical/sick leave for purposes of 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 within 15 days as is practical. The District will 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. The Superintendent, or his/her designee, may reassign a teacher consistent with the teacher's agreement, to a different grade level, building, or other assignment, consistent with the employee's certification.

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 the enforcement of the Act.

Procedures

- Leaves confined totally within FMLA will not appear as a Board agenda item since such leaves are mandatory. Leaves which extend beyond the period provided under FMLA will appear as a Board agenda item for action.
- The definition of 12 month period will be the 12 month period measured forward from the date any employee's first FMLA begins.
- Employees taking unpaid FMLA leave will be able to maintain their health insurance by paying the premium at the beginning of each month. A request for premium payment by the tenth working day will be made with the understanding that an employee has thirty days per federal law. A notice of potential termination must be mailed at least 15 days before the coverage is terminated. Nonpayment of premium will cause immediate termination of the plan.
- The 'recertification' of medical conditions while the employee is on FMLA leave may be required at the District's discretion.
- Periodic notices of intent to return to work may be required at the District's discretion.
- Employees will be required to submit medical documentation of ability to return to work following FMLA leave for the serious health condition of the employees.

The user of this policy is also directed to the applicable provisions of Special Rules for schools and for any Collective Bargaining Agreements in the district.

Legal Reference:

Title 29 § 2601 et. seq.
Revised: August 2006
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Revised: November, 1999

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