

FAMILY AND MEDICAL LEAVE POLICY

Consistent with the federal Family and Medical Leave Act of 1993, the Keene School District recognizes that eligible employees have access to unpaid family and medical leave for up to twelve (12) weeks (equivalent to 60 workdays) during any twelve (12) month fiscal year (July 1 to June 30). The intent of this policy is to summarize the Act as it applies to Keene School District employees. It is not the intent of this policy to provide additional, or different provisions than those specified in the Act and its implementing regulations.

I. ELIGIBILITY

To be eligible for family or medical leave the employee must have:

- A. been employed for at least twelve (12) months, and
- B. worked at least 1,250 hours during the prior twelve (12) months.

II. REASONS FOR LEAVE

- A. Leave shall be provided when a child is born to the employee or when one is placed with the employee for adoption or foster care.
- B. Leave shall be provided for the serious health condition of the employee, or in order for the employee to take care of a spouse, child, or parent who has a serious health condition which renders him/her unable to perform the functions of his/her job.
- C. Leave shall be provided for a “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces.
- D. Leave shall be provided to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member unfit to perform the duties of the member’s office, grade, rank, or rating.

III. USE OF ACCRUED TIME

- A. An employee shall be required to use all accrued vacation leave and accrued personal days for leave under the Act.
- B. An employee shall first use accrued sick leave or disability leave for leave under the Act if the employee would be eligible to use such leave irrespective of the Act. An employee is not required to use sick or disability leave otherwise.

IV. LEAVE

- A. The employee shall notify the Keene School District of his/her request for leave at least thirty (30) days prior to the date the leave is to begin if possible. If the need for leave is not foreseeable than the employee shall provide such notice as practical.
- B. The Keene School District shall require a certification from a healthcare provider if medical leave is requested.
- C. If a husband and wife both work for the Keene School District, the combined total leave permitted them under the Act during the period from July 1 to June 30 for the birth or placement of a son or daughter or the care of a parent shall be 12 weeks.
- D. Intermittent leave or a reduced leave schedule may be more disruptive in an educational setting than in other businesses covered by the Act. Requests for intermittent leave or a reduced leave schedule shall be considered on an individual basis and the request must conform to the Special Rules set forth for Local Educational Agencies (29 CFR 825.601)
- E. When leave is to care for an injured or ill service member the eligible employee may take up to 26 weeks of leave during the 12 month fiscal year.
- F. Leave cannot exceed the cumulative maximums set forth in the law during the 12 month period defined in this policy.
- G. The Administration, if it so chooses, shall have the authority under Section 29 CFR 825.602 of the Act to approve extending FMLA leave for an instructional employee during the three (3) week period near the end of an academic term.
- H. The District reserves the right to require an employee on leave to periodically verify, in writing, their intention to return to work. If the employee refuses to respond or provides unequivocal notice that there is no intention to return to work, the employee shall have no further rights under the Act.
- I. An employee on leave under the Act for a period of two weeks or longer because of the employee's serious health condition shall be required to provide certification from their healthcare provider that this health condition no longer prevents the employee from performing the functions of their position.
- J. When an employee returns following a leave, s/he must be returned to the same or equivalent position of employment. The Superintendent or designee may reassign staff consistent with appropriate bargaining agreements.

V. CONTINUATION OF BENEFITS

- A. The District will maintain group health insurance (includes medical and/or dental insurance) for an employee on Family and Medical Leave whenever such insurance is provided before the leave was taken and on the same terms as if the employee had continued to work.
- B. The District, as allowed by the insurance carriers, agrees to provide life and/or disability coverage for an employee on FMLA.
- C. If an employee fails to return to work after a period of Family and Medical Leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) failure to return to work resulting from circumstances beyond the employee's control, then the employee shall reimburse the District for the employer's share of benefits paid during the employee's FMLA leave.

VI. NOTIFICATION

The Keene School 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.

VII. PROVISIONS OF THE ACT

The user of this policy is also directed to the provisions of any collective bargaining agreements in the Keene School District and to the Act itself for more specific definitions and criteria for use.

Approved KBE: October 14, 2008