

BOARD POLICY

Descriptive Code: GBRIG

FAMILY AND MEDICAL LEAVE

Date: November 1, 1994
Approval Revised: 4-16-09

ELIGIBILITY

Employees of the Pickens County Board of Education who have been employed for 12 months or more and who worked at least 1250 hours during the previous 12 months immediately preceding the beginning of leave, are entitled to 12 weeks of unpaid leave per year in connection with:

- (1) the birth and first year care of a child;
- (2) the adoption or foster parent placement of a child;
- (3) the illness of an employee's spouse, child, or parent with respect to a serious health condition, defined as one that requires in-patient care in a hospital, hospice or residential medical care facility, or which requires continuing treatment by a health care provider; or
- (4) the employee's own illness.
- (5) any qualifying exigency arising from the fact that the employee's family member (the covered military member) is on active duty or has been notified of an impending deployment in support of a contingency operation. Qualifying exigencies are defined as short-notice deployment (seven or less calendar days): military events and related activities; childcare and school activities; financial and legal arrangements, counseling; rest and recuperation (up to five days per instance); post-deployment activities; additional activities where the employer and employee agree that the leave is an exigency and agree to both timing and duration of leave.
- (6) Military caregiver leave to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member up to 26 weeks per year.

In the instance of birth, adoption and foster placement, the entitlement for child-care ends after (1) the child reaches the age of 1 year, or (2) 12 months after the adoption or placement.

Entitlement for leave associated with illness of a child occurs only where the child is under 18 years of age or incapable of self-care due to mental or physical disability.

AMOUNT OF LEAVE AVAILABLE

In cases where both spouses are employed by the Pickens County Board

of Education, the combined amount of leave for child birth, adoption, or to care for a sick parent is limited to 12 weeks.

The unpaid medical and family leave provided under this policy includes and extends up to 12 weeks the period of sick and/or personal leave provided under other policies of the Pickens County Board of Education. However, an employee is not eligible for unpaid leave under this policy until any paid leave provided to the employee under other Board policies has been taken.

Any eligible employee is eligible to take up to 26 weeks of military caregiver leave during a "single 12-month period." The "single 12-month period" begins on the date the employee first takes military leave and ends 12 months after that date, regardless of the method used to determine the leave entitlement period or other FMLA reasons.

If both spouses work for the District and both are eligible for FMLAS leave, they are authorized to take only a combined total of 26 weeks during the "single 12-month period" described above for military caregiver leave or a combination of military caregiver leave and leave taken for other FMLA reasons.

NOTIFICATION OF ANTICIPATED LEAVE

Except where circumstances are such that reasonable advance planning is not possible, employees must provide the Office of the Superintendent at least 30 days notice of the date when leave

is to begin. With respect to foreseeable family or employee illness, the employee shall make reasonable effort to schedule treatment - including intermittent and reduced hours leave - so as not to disrupt unduly the operations of the school district, subject to approval of the employee's or family member's health care provider.

BENEFITS

Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of health benefits during the leave period. Upon return, the employee is entitled to restoration to an equivalent position with equivalent pay, benefits, and conditions of employment.

If an employee fails to return to work after the leave period has expired, the Board of Education may recover the health benefits premium expenditures extended to the employee during the leave period.

REQUIRED CERTIFICATION

The Board of Education requires that a request for leave be supported by a certification issued by the appropriate health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee.

The certification shall include (1) the date that the condition commenced, (2) the duration, (3) the necessity for the employee's leave, and (4) the employee's inability to perform his/her job functions. The Board of Education reserves the right, at its own expense, to designate a second health care provider (other than a school district employee) to provide a second opinion. A third such opinion, should it be necessary, shall be binding.

Upon the employee's return to work, the school district may require the employee to provide certification by his/her health care provider that the employee is able to resume work.

The District may require that a first request for leave because of a qualifying exigency arising from active duty be supported by a copy of the covered service member's active duty orders or other documentation issued by the military. A certification form requesting the required information to support a request for exigency leave will be provided by the District upon request.

The District may require an employee on FMLA to report periodically to his/her principal or supervisor on the employee's status and intent to return to work.

SPECIAL PROVISIONS:

If an employee begins leave under this policy within three weeks before the end of the academic term and the duration of the leave is greater than five working days, the Board of Education may require the employee to continue to take leave until the end of the term.

The Board of Education may deny coverage under this policy to an employee whose salary is in the highest 10% of the employees employed by the school district if such denial is necessary to prevent substantial and grievous economic injury to the District's operations.

The Superintendent shall make, keep, and preserve records showing compliance with the Family and Medical Leave Act and in accordance with the Fair Labor Standards Act of 1938 and federal regulations.

LEGAL REF.: **Family and Medical Leave Act, Public Law 103-3, 29 USC
2601 et seq.**

ADOPTED: **01/11/94**

REVISED: **04/16/09**

Board of Education of Pickens County