

FOX CHAPEL AREA SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: FAMILY AND MEDICAL
LEAVES

ADOPTED: May 10, 2010

REVISED:

335. FAMILY AND MEDICAL LEAVES	
<p>1. Authority 29 U.S.C. Sec. 2601 et seq 29 CFR Part 825</p>	<p>The Board adopts this policy to address leaves of absence for specific family and medical issues for administrative, professional and support employees, in compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.</p> <p>Employee requests for FMLA leave shall be processed in accordance with law, Board policy and administrative regulations.</p>
<p>2. Delegation of Responsibility</p>	<p>The Superintendent or designee shall develop and implement administrative regulations governing leaves for family and medical reasons that comply with law.</p>
<p>3. Guidelines 29 U.S.C. Sec. 2611, 2612</p>	<p>Employees' eligibility for FMLA leave shall be based on the criteria established by law.</p>
<p>29 U.S.C. Sec. 2612</p>	<p>Eligible employees shall be provided up to twelve (12) workweeks of unpaid leave in a twelve-month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for a seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to a current member of the armed services, including a member of the National Guard or Reserves.</p>
<p>29 U.S.C. Sec. 2612</p>	<p>Eligible employees shall be provided up to twenty-six (26) workweeks of unpaid leave in a single twelve-month period to care for an ill or injured covered servicemember.</p>
<p>29 U.S.C. Sec. 2619</p>	<p>Required notices shall be posted by the district.</p> <p>Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.</p>

	<p>All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form to the Assistant Superintendent. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.</p>
<p>29 U.S.C. Sec. 2612, 2613</p>	<p>Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.</p>
<p>29 U.S.C. Sec. 2612</p>	<p>If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under an administrative compensation plan, individual contract, collective bargaining agreement, Board policy or statutory mandate, the employee is required to utilize such leave prior to the commencement of the FMLA leave.</p>
<p>29 U.S.C. Sec. 2612, 2614</p>	<p>Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of an administrative compensation plan, individual contract, or collective bargaining agreement, or where the employee has taken a paid leave concurrent with the FMLA leave and Board policy and district practice has not required a fitness-for-duty certificate to be provided.</p>
<p>29 CFR Sec. 825.200</p>	<p>For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a twelve-month period measured forward from the date the first FMLA leave is used, to avoid stacking of back-to-back leave entitlements.</p>
<p>29 CFR Sec. 825.117</p>	<p>An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition, when:</p> <ol style="list-style-type: none"> 1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures). 2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.
<p>29 U.S.C. Sec. 2612, 2618</p>	<p>Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA.</p>
<p>29 U.S.C. Sec. 2618</p>	<p>Instructional employees may be required to continue FMLA leave to the beginning of a grading period or term if conditions of leave are those specified in the law.</p>

This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.

References:

Family And Medical Leave Act – 29 U.S.C. Sec. 2601 et seq.

Family And Medical Leave, Title 29, Code of Federal Regulations – 29 CFR
Part 825

Board Policy – 000, 813