

SECTION: CLASSIFIED EMPLOYEES

TITLE: FAMILY AND MEDICAL LEAVES

ADOPTED: April 10, 2006

REVISED:

SENECA VALLEY SCHOOL DISTRICT

535. FAMILY AND MEDICAL LEAVES

1. Purpose
29 U.S.C.
Sec. 2601
et seq

The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA. All definitions within this section shall correspond to those in the Act and its regulations.

2. Delegation of Responsibility

The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Except as otherwise specifically addressed by the provisions of this policy, the Board reserves the right to administer FMLA leave as authorized by the FMLA and applicable regulations.

3. Guidelines

In order to be eligible for such leave, an employee must have worked in the Seneca Valley School District for at least twelve (12) months prior to the leave commencement date; and for at least 1,250 hours of service during such previous twelve (12) month period. FMLA shall be administered on a fiscal-year basis.

Required notices shall be posted by the district.

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.

All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.

If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, district policy, or statutory mandate, the employee shall not be required to use any portion of paid leave prior to using their entitlement under FMLA.

Employees may be required to provide medical certifications, additional opinions and recertifications as required or authorized by the FMLA and applicable regulations. However, no second opinion shall be required of a family member.

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 a collective bargaining agreement or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice has not required a fitness-for-duty certificate to be provided.

Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.

Earned family and medical leave can be used for the following:

1. Birth of the employee's child.
2. Placement of a child with the employee for adoption or foster care.
3. When the employee is needed to care for a parent with a serious health condition.
4. When the employee is needed to care for a child or spouse with a serious health condition.
5. When the employee is unable to perform the functions of his/her position because of a serious health condition as defined by the Federal Family and Medical Leave Act and its Federal Regulations.

In the event a husband and wife who are eligible for FMLA leave are both employed by the school district, the aggregate number of weeks of FMLA leave to which both are entitled is limited to twelve (12) weeks for leave taken for the birth of a child, or placement of a child with the employee for adoption or foster care.

Employees are not required to utilize FMLA leave whenever they qualify for other available full-day leave to which they may be entitled.

An employee will be denied intermittent leave or leave on a reduced level scheduled 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:

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. If intermittent leave is utilized, it may not be utilized in less than one-half day increments.

Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.