

FERNDALE SCHOOL DISTRICT NO. 502  
ADMINISTRATIVE PROCEDURES

No. 5323 P-1

FAMILY LEAVE

The following procedures are adopted by the Ferndale School District to implement the federal Family and Medical Leave Act:

1. An employee is entitled to twelve (12) weeks of family leave during a twelve (12) month period. An employee is anyone who has been employed by the Ferndale School District for at least twelve (12) months and for at least 1,250 hours of service during the twelve (12) months immediately preceding the start of leave. The twelve (12) month measuring period for FMLA leave purposes shall be different for each employee and shall be measured on a "rolling" basis backward from the date the employee uses any FMLA leave.
2. Family leave may be taken: (a) because of the birth of a child and to care for a newborn child, or (b) because of the placement of a child with the employee for adoption or foster care, or (c) to care for a child, spouse, or parent who has a serious health condition, or (d) because of the employee's own serious health condition. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves (a) an overnight stay in a hospital, hospice, or residential medical care facility, (b) an absence from work, school, or regular daily activities of more than three days combined with continuing treatment or supervision by a health care provider, or (c) continuing treatment or supervision for a chronic or long-term condition which is incurable, or which would likely result in a more-than-three-day period of incapacity if left untreated, or (d) for prenatal care.
3. If both parents are employed by the District, they may each take FMLA leave under 2(a) or (b) above, but the FMLA limits their aggregate leave to twelve (12) weeks in a twelve (12) month period.
4. Leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months after date of the birth or adoption. This leave may be taken in a block or intermittently. If the leave is taken intermittently, a written calendar stating the employee's work schedule shall be developed with a copy kept at the work site and the Personnel office. "Child" is defined as a biological, adopted, foster child, stepchild, or a legal ward who is under 18 years of age or incapable of self care due to a mental or physical disability. The District may require confirmation by a health care provider of the employee's need for family leave.
5. An employee who plans to take family leave should provide the District with written notice at least thirty (30) days in advance. If the family leave is not foreseeable, and thirty (30) days notice cannot be given, the employee should notify the District of the expected leave at the earliest date possible. The District will provide a written response to all requests for FMLA leave using the form in Attachment 2.

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6. Upon returning from family leave, the employee is entitled to be returned to the same position he/she previously held or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. An employee on leave remains subject to legitimate job changes and reductions in force that occur during the leave. Such changes may result in the employee being denied reinstatement. The District may, after notice, deny reinstatement to the highest paid ten percent (10%) of all employees (Key Employees) where necessary to prevent substantial and grievous economic injury to the District.
7. Any employee who works principally in an instructional capacity, and who would be on leave for greater than twenty percent (20%) of the total number of working days in the period during which the leave would extend, may be required to take leave for periods of particular duration or to transfer temporarily to an alternative equivalent position that better accommodates the leave.
8. Any employee who works primarily in an instructional capacity, and who requests a period of leave near the conclusion of the academic term, may be required to continue the leave until the end of the term.
9. Health benefits (medical, dental, and vision) will be maintained for the employee during the leave with the District paying the same portion of the premium as it did while the employee was at work. If the employee fails to make timely payment of his/her portion of the premium, the district reserves the right to cease to maintain the employee's health coverage. If the employee fails to return from leave, the employee must reimburse Ferndale School District for all district-paid premiums during the leave.
10. The employee may choose, or the District may require, that any of the employee's available accrued paid vacation or personal leave be substituted for any part of the twelve (12) week period. An employee may choose, or the District may require, that an employee's available sick leave be substituted for any part of the unpaid leave if the employee or a child of the employee is sick.
11. An employee is not entitled to unemployment compensation during the leave even if the leave is unpaid.
12. When leave is requested per 2(a) or (b) above, the leave may not be taken intermittently or on a reduced leave schedule unless the employee and district agree otherwise. However, when leave is taken to care for a sick family member, or due to the employee's own serious health condition, leave may be taken intermittently, or on a reduced schedule, when medically necessary.
13. The District may require that any leave request be supported by certification from an approved health care provider. The employee shall provide certification, upon request, within 15 calendar days.

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The certification must contain:

- The date the serious health condition began;
  - The probable duration of the condition;
  - The appropriate medical facts regarding the condition;
  - If the leave is based on care of a spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
  - If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job; and
  - In the case of intermittent leave, or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.
14. The District may require an employee taking leave due to a serious health condition to obtain certification from an approved health care provider that the employee is able to resume work.
15. An employee is not entitled to an accrual of any seniority or employment benefits that would have occurred during the period of leave unless otherwise provided by contract.
16. It is the intent of the FMLA to set a base level of leave for employees under certain conditions. It is recognized that in some instances, the State law regarding leaves has provisions which exceed the federal law. However, nothing in this law or these procedures shall prohibit the district from reviewing each staff member's request for leave on an individual basis and authorizing additional unpaid leave based on conditions found acceptable to the Board of Directors. Under State law, maternity disability and family leave may entitle an employee to greater leave than provided under the FMLA.

Implemented	04-28-94
Revised	05-28-97