

FAMILY AND MEDICAL LEAVE

The Evangeline Parish School Board shall permit qualified employees to take up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for family and medical reasons.

ELIGIBILITY

Employees qualifying for family and temporary medical leave shall have been employed by the Board for at least twelve (12) months, and worked at least 1250 hours during the last fifteen (15) months, prior to the date of the leave to be taken. For the purposes of this policy, the twelve (12) month period shall be the same as the fiscal year, July 1 to June 30. Such unpaid leave may only be taken for the following reasons:

1. For the birth of the employee's child and subsequent care;
2. For the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, child or parent of the employee who has a serious health condition; or
4. When the serious health condition of the employee renders the employee unable to perform the function of the position of such employee.

Leave may be taken for birth or placement of a child only within twelve (12) months of the birth or placement.

SUBSTITUTION OF PAID LEAVE

The employee shall be permitted to substitute any accumulated sick leave and/or annual leave for any family and medical leave time requested. The Board shall require an employee to first use any accumulated sick, personal, annual leave time or any form of paid leave, for any part or all of the twelve (12) week period. Any family and medical leave granted an employee under extended sick leave, medical sabbatical leave or maternity leave shall run concurrently with any leave available to the employee under this policy. If paid leave is used by an employee, the Board shall provide only enough unpaid family and medical leave time to total the allowed 12-week period.

DURATION OF LEAVE

Generally, the time taken for family and medical leave shall be on a continuous basis. However, the employee shall be permitted to take leave on an intermittent or reduced basis to care for a seriously ill family member or the employee's own illness when medically necessary. An employee may take intermittent leave for the birth or adoption of a child only with Board approval. The twelve (12) months period begins on the first

day FMLA leave is taken.

If a teacher's period of absence on intermittent leave amounts to more than 20% of classroom time, the teacher may be required to take continuous leave throughout the treatment period or be placed temporarily in an equivalent position, for which the teacher is qualified and which has equivalent status, pay and benefits, and which would not be so disruptive to the classroom.

ADVANCE NOTICE

In any case in which the necessity of leave is for the birth of the employee's child and subsequent care; or for the placement of a child with the employee for adoption or foster care, and said necessity of leave is foreseeable based on the expected birth or placement, the employee is required to provide the Board with at least thirty (30) days notice, before the date the leave is to begin. If the date of birth or placement requires the leave to begin in less than thirty (30) days, notice shall be given as soon as possible.

In any case in which the necessity of leave is in order to care for the spouse, child or parent of the employee who has a serious health condition; or when the serious health condition of the employee renders the employee unable to work, and the need to take such leave is foreseeable based on planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt school operations.

MEDICAL CERTIFICATION

Since it is the duty of the Board to determine whether the employee's or family member's health contributes a *serious health condition* as defined for federal statute, the Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner.

Employees on a leave of absence due to a serious health condition shall be expected to keep their supervisors notified of their progress and expected date of return from the leave of absence. Employees shall be required to submit a re-certification from their physician on the required form once every thirty (30) days. Under certain circumstances, the Board may require re-certification on a more frequent basis.

RETURN TO SERVICE

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee returning to service at the end of his/her leave period for personal medical reasons shall be required to present to the School Board a letter from his/her doctor certifying that he/she is able to return to work.

The Board may not be obligated to restore certain "highly compensated" or "key" employees (as defined by law) to his/her former position under the conditions set out in the FMLA.

FMLA FOR MILITARY PERSONNEL

The *Family and Medical Leave Act of 1993* (FMLA) also permits a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner. Certification shall be sufficient if it states:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4.
 - a. for purposes of leave to care for immediate family member a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and
 - b. for purposes of leave for self, a statement that the employee is unable to perform the functions of the position of the employee;
5. in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

This policy will also permit an employee to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Ref: 29 USCA 2601 et seq. (*The Family and Medical Leave Act of 1993*); 29 CFR 825 et seq. (*The Family and Medical Leave Act of 1993—Federal Regulations*).