

## FAMILY AND MEDICAL LEAVE POLICY

The following administrative procedure covers the main provisions of the federal Family and Medical Leave Act (FMLA). The guidelines in no way attempt to modify the Act, which should always be referred to when questions arise about implementation. RSU #23 School Department is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one that provides the greater benefit to the employee (usually Federal FMLA).

### I. ELIGIBILITY REQUIREMENTS

To be eligible under the FMLA, employees must work at a site where 50 or more employees of the same school board are employed within 75 miles of that work site. An employee must have been employed by the school unit for at least 12 months and have worked at least 1250 hours in the previous twelve month period. According to the law, teachers employed on a full-time basis are presumed to have met the minimum hours requirement. Under FMLA, an eligible employee is entitled to receive up to twelve weeks of leave during a twelve month period for the following reasons:

- A. The birth and care of a child;
- B. The adoption or foster placement of a child with the employee;
- C. To care for a spouse, child or parent with a serious health condition; or
- D. The employee is unable to perform the function of his/her position because of a serious health condition.
- E. To care for a seriously injured or ill parent, child or spouse who is a member of the Armed Forces; or
- F. To make arrangements and attend activities when a spouse, child or parent in the National Guard or Reserves is on active duty or is called to active duty.

### II. ADMINISTRATION

- A. If the leave request is due to the employee's serious health condition, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition and that the employee cannot perform the functions

- of his/her job. If the leave request is due to the serious health condition of a family member, the employee is required to provide medical certification stating the date the health condition commenced, the probable duration, the appropriate medical facts concerning the condition and an estimate of the time the employee will need to care for the family member.
- B. The twelve month period in which an employee is entitled to twelve weeks of FMLA leave shall be the 12-month period measured forward from the date of an individual employee's first leave begins.
  - C. If an employee and spouse work for the same employer, they are limited to a combined 12 weeks of leave for the birth or adoption of a child. If leave is needed on an intermittent schedule or reduced schedule for an employee's or a family member's serious health condition and scheduled medical treatments, reasonable efforts must be made to schedule treatment so they do not disrupt the workplace.
  - D. An employee must submit an application for leave at least 30 days in advance when the leave is foreseeable, or as soon as practicable if it is not foreseen. When an employee is absent for 5 consecutive days, the employee may be asked to provide information to determine whether the leave is for an FMLA qualifying purpose.
  - E. Any leave taken for FMLA-qualifying purposes (including leave taken under employment policies, bargaining agreements, or contracts) shall also be applied to an employee's annual FMLA entitlement. When paid leave taken for FMLA-qualifying purposes is exhausted, the balance of the FMLA leave shall be unpaid.
  - F. RSU #23 School Department will continue to pay its share of the employee's health insurance premium while the employee is on unpaid FMLA leave. The employee must pay his or her share of the premium on a monthly basis or as directed by the business office.
  - G. Upon the employee's return to work, he/she will be restored to his/her previous position or to an equivalent position with equivalent pay, benefits, conditions and terms of employment.
  - H. An employee returning from FMLA leave for his/her own serious health condition is required to submit medical certification that indicates fitness to return to work and ability to perform the functions of the job.

- I. If the employee is unable to return to work because of his/her own serious health condition at the expiration of allowable FMLA leave, the Superintendent may consider a request for extension of unpaid leave and benefits on a case by case basis. Failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination unless such an extension is granted.
  
- J. An employee who is not eligible for federal FMLA may be eligible for Maine Family Medical Leave.

Adopted: 1/8/14