

TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

SECTION: Employees
TITLE: Family and Medical Leaves
ADOPTED: May 19th, 2014
REVISED: September 16, 2019

PURPOSE	<p>The purpose of this policy is to address certain leave of absence issues and to ensure the school district’s compliance with the Family Medical Leave Act.</p>
AUTHORITY	<p><u>Authority</u></p> <p>The Board shall provide eligible administrative, professional and support employees with unpaid leaves of absence in accordance with the Family And Medical Leave Act, hereinafter referred to as FMLA. [1][2]</p> <p>Employee requests for FMLA leave shall be processed in accordance with law, Board policy and administrative regulations.</p>
DELEGATION OF RESPONSIBILITY	<p><u>Delegation of Responsibility</u></p> <p>The Superintendent shall develop and disseminate administrative regulations to implement FMLA leave for eligible employees. The district shall post, in conspicuous places in the district customarily used for notices to employees and applicants, a notice regarding the provisions of the FMLA and the procedure for filing a complaint. [3]</p>
GUIDELINES	<p><u>Guidelines</u></p> <ol style="list-style-type: none"> 1. 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. 2. All request for leave, (both FMLA leave and non-FMLA leave) shall be made in writing on forms developed by the Superintendent. The forms shall request sufficient information from which it may be determined whether the leave qualifies as an FMLA leave. 3. When an employee requests an FMLA leave and qualifies for and is entitled to any accrued paid sick, vacation, personal or family leave, the employee is required to utilize such paid leave concurrent with the FMLA leave. [5]

4. Medical certification forms as allowed by the FMLA shall be required whenever authorized by the FMLA.
5. 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 heretofore has not required a fitness-for-duty certificate to be provided.
6. Seniority shall accrue during FMLA leaves for all purposes and credit shall be given during FMLA leaves for accruals for other leaves.
7. The district shall utilize a rolling twelve-month period measured backwards from the date leave is used to determine if an employee has exhausted his/her FMLA leave in any twelve-month period.[\[6\]](#)
8. 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, if:
 - a. 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); or
 - b. 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.
9. Employees' eligibility for FMLA leave shall be based on the criteria established by law.[\[4\]](#)[\[5\]](#)
10. 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 member of the Armed Forces alerted for foreign deployment or during foreign deployment.[\[5\]](#)

11. 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 service member. [\[5\]](#)

Legal References

1. 29 U.S.C. 2601 et seq
 2. 29 CFR Part 825
 3. 29 U.S.C. 2619
 4. 29 U.S.C. 2611
 5. 29 U.S.C. 2612
 6. 29 CFR 825.200
- Pol. 813