

**FAMILY AND MEDICAL LEAVE**

THE BOARD WILL PROVIDE FAMILY AND MEDICAL LEAVE TO QUALIFIED EMPLOYEES PURSUANT TO THE PROVISIONS OF THE FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993. THE RULES LISTED BELOW GENERALLY OUTLINE THE PROCEDURES FOR CARRYING OUT SAID LEAVES. THE BOARD AUTHORIZES THE SUPERINTENDENT TO CREATE AND CARRY OUT ALL PROCEDURES NECESSARY TO IMPLEMENT THIS POLICY REGARDING THE FAMILY AND MEDICAL LEAVE ACT.

AUTHORIZATION: F.S. 1001.41

HRI – FAMILY & MEDICAL LEAVE ACT OF 1993

AMENDED RULES APPROVED: 3/21/95; 9/19/00; 7/26/05

**RULES:**

1. A leave of absence under this policy shall be granted for a total of 12 work weeks during any school year (July-June) for one of the following reasons:
  - a). birth of a son or daughter of the employee and in order to care for such son or daughter.
  - b). placement of a son or daughter with the employee for adoption or foster care.
  - c). care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
  - d). a serious health condition that makes the employee unable to perform the functions of the position of such employee.
2. For purposes of this policy, an “eligible employee” means an employee who has been employed:
  - a). for at least twelve months by the Board;
  - and
  - b). for at least 1,250 hours of service with the Board in the twelve month period immediately preceding the commencement of the leave.
3. If both a husband and wife are employed by the board, the aggregate number of workweeks of leave to which both may be entitled is twelve workweeks for:
  - a). birth of a child or placement of a child for adoption or foster care
  - b). care for a sick parent(s)
4. Employees who are on a leave granted under this policy who are eligible and receive Board provided group health insurance when actively working for the Board shall maintain this coverage for the duration of such leave. Employees who pay for dependent insurance and other types of board offered insurance coverage must make arrangements before going on leave to make direct premium payments to the Board while on leave.
5. Employees who wish to take family leave as outlined in rule number one, subsections a and b above, must provide the employer with not less than 30 calendar days written notice, before the date the leave is to begin, except that if the date of the birth or placement requires leave to begin in less than 30 calendar days, the employee shall provide such notice as is practicable.
6. Employees who wish to take medical leave as outlined in rule number one, subsections c & d above, shall provide the Board with 30 calendar days notice, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. Employees shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer.
7. Family leave as outlined in rule number one, subsections a & b above shall not be taken intermittently. Employees cannot take leave in separate blocks of time or work on a reduced schedule during 12 weeks of leave. The affected employee can take the desired leave time once only during the 12 weeks of leave.
8. Medical leave as outlined in rule number one above, subsections c & d may be taken intermittently when medically necessary. Under such circumstances, the employee must try to schedule the leave so as not to unduly disrupt the employer’s operations. Also, the Superintendent may place the employee in an alternative position, which better accommodates intermittent leave.

9. Leave under the Family & Medical Leave Act is intended to provide assistance to employees who do not have other leaves available. Therefore, pursuant to the authority granted under said law, employees wishing to take family or medical leave must first use the following leaves:
    - a). employees must substitute any accrued paid vacation and personal reasons leave for family leave provided for in rule number one, subsections a & above for any part of the 12-week leave period.
    - b). employees must substitute any accrued paid vacation, personal reasons leave, sick leave, paid medical leave, disability leave and workers compensation leave for medical leave as described in rule number one, subsection c & d above..(Note: employees who do not qualify for disability or workers compensation may qualify for medical leave if they meet the certification requirement listed in rule number 10 below.
    - c). the Board will not count paid leave which was not for a family or medical purpose against the employees' FMLA twelve week leave entitlement.
  10. The Board shall require a medical certification from eligible employees who request medical leave under the FMLA. The form will be provided by the Superintendent and the completed form must be returned within a time frame determined by the Superintendent.
  11. The Board authorizes the Superintendent or his designee to request subsequent re-certifications of medical conditions when appropriate. Re-certifications may be requested every 30 days if an employee is under continuing supervision of a health care provider and less than 30 days if the circumstances described in the original certification have changed significantly. If the health care provider indicates that leave is needed for a certain period of time, SBBC will not request re-certification during the stated time unless one of the following events occurs:
    - a). the employee requests an extension of leave (when leave was originally for less than 60 days), or
    - b). the circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of absences, the severity of the condition, complications) or
    - c). the Superintendent receives information that casts doubt on the continuing validity of the certification
    - d). for intermittent or reduced schedule leave, re-certifications may be requested only after the specified duration of leave has passed. This restriction may be eliminated if one of the events above occurs.
- The Board shall require re-certification requests to be received within 15 calendar days after the date of request for re-certification from the employee.
12. If SBBC has reason to doubt the validity of a Certification of Healthcare Provider, the Board authorizes the Superintendent to require the employee to obtain a second and if necessary, a third opinion.
    - a). A list of health care providers qualified to treat the employee's condition will be provided to the employee to obtain a second opinion.
    - b). If a third opinion is required, the health care provider must be designated or approved jointly by the Superintendent and the employee. That opinion will be the binding opinion to determine FMLA eligibility.
    - c). The cost of a second or third opinion will be paid by the SBBC.
  13. Upon return from a FMLA leave, the affected employee is entitled to be restored to the same position that the employee held when the leave started, or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.
  14. Upon expiration of a FMLA leave, an employee's failure to return to work or obtain an approved leave of absence constitutes abandonment of position and may result in termination of employment.
  15. The Board authorizes the Superintendent to develop and implement procedures to carry out this policy, the FMLA and applicable U.S. Department of Labor Regulations.

RULES ADOPTED: 10/19/93

AMENDED RULES APPROVED: 3/21/95; 9/19/00; 07/26/05