

## Grand Rapids Public Schools

### Family and Medical Leave Act Administrative Procedures

The following sets forth the procedures in effect for leaves of absence under the Family Medical Leave Act of 1993 (FMLA). Employees shall be granted up to 12 weeks of unpaid leave per year for any of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care.
2. To care for the employee's spouse, child or parent who has a serious health condition.
3. For a serious health condition that makes the employee unable to perform essential functions of the employee's job.

An FMLA leave is limited to 12 weeks in any 12-month period. The 12-month period will be measured on a "rolling" 12-month basis, from the employee's last use of FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the twelve weeks that has not been used during the immediately preceding twelve months. For example, if an employee has taken eight weeks of leave during the past twelve months, an additional four weeks of leave could be taken.

An FMLA leave taken for the birth or placement of a child may not be taken more than 12 months after the child's birth or placement. Subject to any applicable exceptions contained in the Family and Medical Leave Act, you will be restored to your original position or an equivalent position with equivalent pay, benefits and other employment terms. The use of FMLA leave will not result in the loss of any employment benefits that you accrued prior to the start of an FMLA leave.

### Eligibility

You are eligible for FMLA leave if you have worked for the District for at least one year, and for 1250 hours over the past 12 month period. If you are a "key employee", defined as a salaried employee who is among the highest paid 10% of the employees employed within 75 miles of the your work site, you may not be eligible for FMLA leave if restoring you to your position would result in substantial and grievous injury to the District's operation.

Notice and Certification

You are required to provide advance leave notice and medical certification as set forth below:

1. You must provide 30 days advance notice of the leave when the leave is "foreseeable". If 30 days notice of a foreseeable leave is not provided, the District may delay the leave until 30 days after the notice is provided.
2. The District reserves the right to require medical certification to support a request for an FMLA leave because of your serious health condition or the serious health condition of your family member. Such certification must be provided within 15 days of the leave request. If such certification is not provided, the District may delay the leave until such certification is received.
3. When a leave is due to your serious health condition or that of your family member, the District reserves the right to require re-certification of the serious health condition at least every 30 days, and as otherwise permitted by the FMLA. Also, the District will require you to provide periodic updates of status and intent to return to work.
4. The District reserves the right to require second and/or third opinions by a health care provider (at the District's expense) as provided in the FMLA.
5. If an FMLA leave is due to your serious health condition, you will be expected to provide certification from a "health care provider" of your fitness to return to work prior to the expiration of the FMLA leave.

Benefits

Medical benefits will continue during your FMLA leave on the same basis as during regular employment. Any co-payments usually required for medical benefits will be required during an FMLA leave. Failure to begin co-payments within 30 days of the start of the leave or failure to continue co-payments during the leave may lead to termination of the medical benefits.

If you fail to return to work after your FMLA leave entitlement has expired, the District may recover premiums that were paid for maintaining group health plan coverage during any period of unpaid FMLA leave. If the reason that you do not return to work is due to (a) continuation, recurrence, or onset of a serious health condition that would entitle

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you to FMLA leave or (b) "other circumstances beyond the control of the employee" as defined in the FMLA, the District will not recover the premiums paid during your unpaid FMLA leave.

### "Serious Health Condition" Defined

Regulations define "serious health condition as an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
2. Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;
3. "Continuing treatment", as defined in the FMLA, by (or under the supervision of) a "health care provider" (as defined in the FMLA) for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
4. "Continuing treatment" by a "health care provider" for prenatal care.

A serious health condition does not include absences for less than three days for short-term conditions for which treatment and recovery are brief. Similarly, voluntary or cosmetic treatments are not a serious health condition unless they require inpatient care.

### Intermittent Leaves

You may take FMLA leave on an intermittent basis, with appropriate medical justification, for your serious health condition or the serious health condition of your spouse, child or parent. Intermittent leave is not available for the care of a child after birth or placement. Where intermittent leave is "foreseeable", the District expects that you will try to schedule your leave to avoid undue disruption of operations. The District reserves the right to place an employee seeking intermittent leave in an alternative position that better accommodates the employee's intermittent leave schedule.

### Alternate Employment During an FMLA Leave

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You may not engage in employment, other than employment with the District during an FMLA leave. Employees who are found to have engaged in such alternate employment will subject to termination.

#### Instructional Employees

Employees who are employed principally in an instructional capacity (for example, teachers, and coaches) are subject to the following limitations with respect to FMLA leave.

##### 1. Intermittent leave or leave on a reduced schedule

An instructional employee who applies for a foreseeable FMLA leave which would result in the employee being on leave for more than 20% of the remaining working days in the period during which the leave would extend may be required to elect between either:

- a. Taking a leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
- b. Transfer temporarily to an available alternative position offered by the District for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates the recurring periods of leave than the employee's regular position.
- c. The election described above only applies if the employee provides at least 30 days advance notice of the foreseeable leave.

##### 2. Periods near the conclusion of an academic term

An instructional employee who begins a leave more than five weeks before the end of a semester may be required to continue on leave until the end of the semester if the leave will last at least three weeks, and the return to work would occur within the last three weeks of the term.

An instructional employee who begins a leave for a purpose other than his/her own serious health condition during the five week period before the end of a semester may be required to continue on leave until the end of the semester if the leave will last more than two weeks, and the return to work would occur within the last two weeks of the semester.

An instructional employee who begins a leave for a purpose other than his/her own serious health condition during the three week period before the end of the semester

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and the duration of the leave is more than five working days may be required to continue on leave until the end of the semester.

### Collective Bargaining Agreement Provisions

To the extent the above procedures conflict with a collective bargaining agreement applicable to the employee, the collective bargaining agreement shall govern to the extent permitted by law.

### Responsibility

The Superintendent will be responsible for implementing FMLA procedures. FMLA requests shall be made in writing to the Superintendent.

Rules Accepted: June 29, 2009