

South Washington County School Family and Medical Leave (FMLA) Information

Introduction

The Family and Medical Leave Act (FMLA) is intended to provide job and benefit protection for eligible employees who must take certain types of leave. The requirements for employee eligibility and responsibility are contained within this policy. If you have any questions regarding this policy or FMLA, contact your supervisor or the districts Benefits Specialist.

Employee Eligibility

- To be eligible for FMLA benefits, an employee must meet the following criteria:
- Employed by South Washington County Schools for at least twelve (12) months-which need not be consecutive; and,
- Worked at least 1,250 hours during the 12-month period prior to the commencement of the leave; and
- Employed at a worksite of South Washington County Schools

Qualified Leave Reasons

Employees meeting the FMLA eligibility criteria listed above may take FMLA for the following reasons:

- The birth and care of the employee's child
- Placement with the employee of a child for adoption or foster care
- The employee's own serious health condition
- To care for the employee's spouse, child, or parent with a serious health condition

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child. FMLA applies equally to male and female employees.

A Serious Health Condition

Serious Health Condition means an illness, injury, impairment, or physical or mental condition that involves either:

- 1) inpatient care in a hospital, hospice or residential medical care facility, or
- 2) continuing treatment by a health care provider

Continuing treatment means:

- 1) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery there from) of more than three consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two or more times by a health care provider or treatment by a health care provider on a least one occasion that results in a regimen of continuing treatment under the health care provider's supervision.
- 2) Any period of incapacity due to pregnancy or prenatal care
- 3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.)
- 4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease).
- 5) Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

Employee Notice Requirement

Employees seeking FMLA leave are required to provide their supervisors and South Washington County Schools Benefits Specialist at least 30 days prior written notice of the proposed leave. If advance notice is not possible due to circumstances beyond the employee's control, notice should be given as soon as practicable. Failure to give advance notice where foreseeable may delay or postpone the commencement of the leave. Contact the Benefits Specialist for the application forms.

Certification of a Serious Health Condition

If your FMLA leave is due to a serious health condition as defined above, (whether it involves the employee or your parent, spouse, or child), medical certification from a health care provider will be required. A health care provider that may determine whether you (or your family member) have a serious health condition as defined above include the following individuals:

Physician, dentist, podiatrist, clinical psychologist, or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his/her profession. In cases limited to treatment consisting of manual manipulation of the spine to correct a subluxation, medical certification may be provided by a chiropractor.

You must provide medical certification with in 15 days of notification. Failure to provide such certification may result in a delay of the employee's leave. Contact your supervisor or Benefit Specialist for available medical certifications forms.

Length of leave

Employee eligible for FMLA may take up to twelve (12) weeks of unpaid leave during a leave year. The South Washington County Schools uses the measured backwards plan year.

If medically necessary, employees may take intermittent leave or leave on a reduced leave schedule, to care for a seriously ill family member or because of the employee's own serious health condition.

Substituting Paid Leave

Where an employee takes FMLA leave because of the employee's own serious medical condition, the employee must substitute any unused paid time off for any (otherwise) unpaid FMLA leave.

In all other cases, accrued sick leave and or vacation leave may be substituted for any (otherwise) unpaid FMLA leave if sick leave is permitted under South Washington County Schools Sick Leave Policy. Where an employee has unused paid time off, the employee must substitute that paid time off for all or part of any (otherwise) unpaid FMLA relating to birth of a child or placement of a child for adoption or foster care, or care for a spouse, child or parent who has a serious health condition.

Paid time-off will be run concurrently, that is, at the same time, as FMLA, provided that employee is eligible for both paid leave and FMLA, and the employee has actually accrued paid leave as of the time the FMLA commences.

FMLA benefits may run concurrently with benefits provided by Worker's Compensation.

Company Provided Benefits During Leave

During any FMLA leave, South Washington County Schools will maintain the employee's medical and dental coverage on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The South Washington County Schools and the employee will each continue to pay their portion of the benefit costs. In some instances, South Washington County Schools may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave on a prorated basis.

During a FMLA leave, sick leave and paid time off will continue to accrue only during that portion of the leave which is paid by using sick or paid time off days. During any unpaid FMLA leave sick leave and paid time off will not accrue. For those persons returning from any unpaid FMLA leave, accrual of paid time off and sick leave will resume the first of the month which follows or coincides with the date the individual returns to active work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, sick leave and paid time off will continue to accrue during the leave on a pro rata basis.

Return from FMLA Qualifying Leave

Employees returning from leave will be reinstated to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. Failure to return to work may result in termination of employment. Employees returning from a leave for a serious health condition must also provide supervisors with a certification from a health care provider documenting their fitness to return to work.