



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **4152.6/4252.6 - Family and Medical Leave**

Approved on May 19, 2014

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It is the policy of the Board of Education to comply with the Family and Medical Leave Act of 1993 and any subsequent amendments in its employment practices.

#### **Legal References/Citations**

Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

Federal Regulations, 29 C.F.R. Part 825



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Administrative Procedure**

#### **4152.6/4252.6 - Family and Medical Leave**

Revised October 28, 2019

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#### **I. Purpose**

The purpose of these procedures is to establish guidelines for leaves taken by employees of the Consolidated School District of New Britain under the Federal Family and Medical Leave Act of 1993 (FMLA).

#### **II. Eligibility**

Employees who have worked for the District for a total of at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding that start of a leave, are eligible for unpaid leave under the FMLA.

#### **III. Reason for Leave**

Leaves under the FMLA may be taken for the following reasons:

- A. Because of the birth and/or care of the employee's newborn child
- B. Because of the placement of a child with the employee by adoption or foster care
- C. In order to care for employee's spouse, child or parent who has a serious health condition
- D. Because of the employee's own health condition that makes the employee unable to perform the function of his or her current position
- E. For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status
- F. To attend an IEP/PPT meeting for their child or for a meeting at a school at which the employee is (a) helping participants make medical decisions concerning the child's medically prescribed therapy; (b) discussing the child's wellbeing and progress with the providers of such services, and/or (c) ensuring that the child's school environment is suitable to his or her medical, social, or academic needs.

Leave may be taken prior to birth or placement under certain circumstances (e.g., prenatal care, time required to effectuate adoption) with the approval of the Superintendent.

#### **IV. Length of Leave**

If the leave is requested for one of the above reasons, except for the military leave, each eligible employee may take up to a maximum of twelve (12) weeks unpaid family or medical leave in any 12-month entitlement period. The 12-month entitlement period for family or medical leave is determined from July 1 of each year. An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin for the service member. The "single 12-month period" for military caregiver leave is different from the 12-month period for other FMLA reasons.

#### **V. Type of Leave and Conditions**

##### **A. Full- time, Intermittent and Reduced Schedule Leave**

- a. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. Full-time leave excuses the employee from work for a continuous period of time.
- b. Intermittent leave means leave taken in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as needed basis for other than routine medical appointments.
- c. Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.
  - i. An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Superintendent.
  - ii. If foreseeable intermittent or reduced schedule leave is medically required based on planned medical treatment for the employee or family member, the District may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of any instructional employee who need to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period).

##### **B. Both Spouses Working for the District**

If both spouses are employees of the District and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is still entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own, their spouse's, or their child's serious health condition in the 12-month entitlement periods.

### **C. Leave Taken by Instructional Employees Near the End of a Student Year**

- A. If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of a student year, the District may require that employee to continue the leave until the end of the student year if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the student year.
- B. If the employee begins a leave during the five-week period preceding the end of a student year for a reason other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the student year if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the student year.
- C. If the employee begins a leave during the three-week period preceding the end of a student year for a reason other than the employee's own serious health condition, the District may require the employee to continue taking leave until the end of the student year if the leave will last more than five (5) working days.

### **VI. Request for Leave**

Requests for a family or medical leave should be submitted to the Human Resources Department at least thirty (30) days before the leave is to commence, if practicable. If thirty (30) days' notice is not practicable, the request should be submitted as soon as practicable under the circumstances. An employee request for FMLA leave form may be obtained from the Human Resources Department to request or confirm an FMLA leave.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form before the leave begins if possible. This form may be obtained from the Human Resources Department. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the Human Resources Department's request for the medical certification.

If the employee takes leave (EXCEPT ON AN INTERMITTENT BASIS) to care for his or her own serious health condition, in order to return to work the employee may be required to provide a completed "Medical Examiner Certification" form which certifies that the health condition which created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification form may be obtained from the Human Resources Department.

If any employee returns to work from an absence that may qualify as FMLA leave, but that has not been so designated by the District, the employee must notify the Human Resources Department of the reason for the leave within two days of returning to work.

### **VII. Use of Paid Leave**

An employee must substitute any accrued paid sick leave for any (otherwise) unpaid portion of medical leave taken for employee's own serious health condition (including child-bearing). In addition, an employee may elect to substitute accrued paid personal leave and accrued paid vacation (in that order) for any unpaid portions of family or medical leave taken for any reason. Where the leave is for the employee's own serious health condition, accrued paid sick leave will be substituted for unpaid portions of family or medical leave prior to the substitution

of accrued paid personal and accrued paid vacation leave. The amount of family or medical leave entitlement that is unpaid is reduced by the amount of paid leave that is substituted.

#### **VIII. Medical Insurance and Other Benefits**

During approved family or medical leaves of absence, the District will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in the loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the District for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or other circumstances beyond the employee's control.

During any period of unpaid family or medical leave, employees will continue to accrue service credit for seniority and longevity pay. However, employees will not accrue service credit for retirement benefits. Unused employee benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the terms of any applicable collective bargaining agreement.

#### **IX. Reinstatement**

An employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

#### **X. Reinstatement**

Questions regarding family or medical leave may be directed to the Human Resources Department.