

Glenbrook High School District #225BOARD POLICY: EDUCATIONAL SUPPORT PERSONNEL  
EMPLOYEE FAMILY AND MEDICAL LEAVE

6370

Page 1 of 8 pages

Section A – General

1. ~~It is the policy of the Board of Education of Glenbrook High School District #225 that eligible educational support personnel employees shall be granted up to 12 weeks of unpaid leave per 12 month period, which shall be defined as the 12 month period measured forward from the date any eligible employee's first leave under this policy begins, in the following instances:~~
  - 1) ~~for the birth of a child and to care for the newborn child;~~
  - 2) ~~for the placement of a child for adoption or foster care and to care for the newly placed child;~~
  - 3) ~~to care for an eligible employee's spouse, child, or parent with a serious health condition; and~~
  - 4) ~~because of a serious health condition that makes an eligible employee unable to perform his or her job functions.~~
2. ~~As used in this policy, the term "eligible employee" means an educational support personnel (ESP) employee who has worked for the Board of Education for at least one year and for at least 1,250 hours during the year preceding the leave. All other terms shall be defined as defined in the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) (FMLA) and rules and regulations as promulgated by the United States Department of Labor.~~
3. ~~Notice of the Board's family and medical leave policy shall be included in the Board policy manual, posted where it can be readily seen by Board employees and applicants for employment, and published in any written guidance to Board of Education employees regarding employee benefits or leave rights.~~

Section B – Use of Accrued Paid Vacation, Emergency or Sick Days

~~The Board of Education, acting through the director of human resources, or the eligible employee may elect to substitute accrued paid vacation, sick or emergency leave for any FMLA-qualified purpose for all or part of the period of leave.~~

Section C—Continuation of Health Insurance

~~The Board of Education shall maintain health care coverage at Board expense for the duration of the 12-week family and medical leave period at the same level and under the same conditions that existed at the time of the commencement of this leave. Thereafter, with the approval of the insurance carrier, health care coverage may be continued at the expense of the eligible employee.~~

Section D—Accrued Benefits

~~No eligible employee taking family and medical leave shall experience the loss of benefits, such as group life insurance, disability insurance, or pension benefits, accrued before the date such leave commences.~~

Section E—Notification

- ~~1. An eligible employee shall provide the director of human resources at least 30 calendar days advance notice before the date the leave is to begin of the employee's intention to take the leave if the need for the leave is foreseeable based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the eligible employee or of the employee's parent, spouse, or child. Additional notice of the employee's intention to return to work shall be provided to the assistant superintendent for business affairs at least 30 calendar days before the date the leave is to terminate.~~
- ~~2. An eligible employee shall make every reasonable effort to schedule planned medical treatment so as not to disrupt unduly the operations of the Board, subject to the approval of the health care provider.~~
- ~~3. If 30 calendar days advance notice is not practicable due to a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice of the eligible employee's intention to take leave must be given to the director of human resources as soon as practicable after the need for leave becomes known to the employee.~~

Section F – End of Academic Term

~~If an eligible employee is employed principally in an instructional capacity and begins family and medical leave:~~

- ~~1. — more than five weeks prior to the end of an academic term, the director of human resources may require the leave to extend to the end of the academic term if the leave is of at least three weeks duration and the return to employment would occur within three weeks of the end of the academic term; or~~
- ~~2. — less than five weeks prior to the end of the academic term, and the leave is for a purpose other than the employee's own serious health condition, the director of human resources may require the leave to extend to the end of the academic term if the leave is of at least two weeks duration and the return to employment would occur within two weeks of the end of the academic term; or~~
- ~~3. — less than three weeks prior to the end of the academic term, and the leave is for a purpose other than the employee's own serious health condition, the director of human resources may require the leave to extend to the end of the term if it is greater than five working days.~~

Section G – Intermittent Leave or Leave on a Reduced Schedule

- ~~1. — Where leave is taken because of a birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only upon approval of the Board or its designee. Where leave is taken to care for a spouse, parent, or child with a serious health condition or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary.~~
- ~~2. — If an eligible employee employed principally in an instructional capacity requests intermittent leave or leave on a reduced schedule for medical treatment which is foreseeable and requires the employee to be on leave for more than 20% of the total number of working days in the period over which the leave extends, the director of human resources may require the employee to elect either:
  - ~~1) — to take leave for a block of time not to exceed the duration of the planned medical treatment; or~~
  - ~~2) — to transfer temporarily to an available alternate position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.~~~~

Section H – Medical Certification

1. ~~Should an eligible employee request family and medical leave to care for a spouse, parent, or child with a serious health condition or for the employee's own serious health condition, the employee shall, within fifteen (15) days of director of human resources' request, provide written certification from a health care provider of the reasons for the employee's request for family and medical leave.~~
2. ~~The Board may, at its expense, require the opinion of a second health care provider to confirm or challenge the certification from the employee's health care provider.~~
3. ~~In the case of conflicting opinions, the Board, at its expense, may require a third, binding opinion from a jointly selected health care provider.~~
4. ~~During the period of an eligible employee's family and medical leave to care for the employee's parent, spouse, or child with a serious health condition or for the employee's own serious health condition, the Board may require at reasonable intervals periodic recertification from the health care provider of the employee or the employee's spouse, parent, or child.~~
5. ~~Prior to returning to work from leave due to an eligible employee's serious health condition, the employee shall provide to the Board a certification from the health care provider rendering an opinion as to the employee's fitness to return to work.~~

Section I – Restoration

~~An eligible employee returning from family and medical leave shall be restored to the same or an equivalent position with equivalent benefits, pay, and other conditions of employment.~~

Section A - Leave Description

An eligible employee may use unpaid family and medical leave (FMLA leave), guaranteed by the federal Family and Medical Leave Act, for up to a combined total of 12 weeks each year, beginning September 1 and ending August 31 of the next year.

During a single 12-month period, an eligible employee's FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined herein) with a serious injury or illness. The "single 12-month period" is measured forward from the date of the employee's first FMLA leave to care for the covered servicemember begins.

While FMLA leave is normally unpaid, the District will allow an employee to use the employee's accrued compensatory time-off and/or paid leave for unpaid FMLA leave. All policies and rules regarding the use of paid leave apply when paid leave is substituted for unpaid FMLA leave. Any substitution of leave for unpaid FMLA leave will count against the employee's FMLA leave entitlement. Use of compensated FMLA leave shall not preclude the use of other applicable unpaid leave that will extend the employee's leave beyond 12 weeks, provided that the use of FMLA leave shall not serve to extend such other unpaid leave. Any full workweek period during which the employee would not have been required to work, including summer break, winter break and spring break, is not counted against the employee's FMLA leave entitlement.

FMLA leave is available in one or more of the following instances:

1. The birth and first-year care of a son or daughter.
2. The adoption or foster placement of a son or daughter, including absences from work that are necessary for the adoption or foster care to proceed and expiring at the end of the 12-month period beginning on the placement date.
3. The serious health condition of an employee's spouse, child, or parent.
4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
5. The existence of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. A "covered military member" must be either a member of a Reserve component or a retired member of the regular Armed Forces or Reserve. "Qualifying exigencies" exist in the following categories: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, rest and recuperation, post-deployment activities, and additional activities as provided in the FMLA regulations.

6. To care for the employee's spouse, child, parent, or next of kin who is a covered servicemember with a serious injury or illness. A "covered service member" is a member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If spouses are employed by the District, they may take a combined total of only 12-weeks for FMLA leaves when the reason for the leave is 1 or 2, above, or to take care for a parent with a serious health condition, or a combined total of 26 weeks for item 6 above.

An employee may be permitted to work on an intermittent or reduced-leave schedule in accordance with FMLA regulations.

#### Section B – Eligibility

To be eligible for FMLA leave, an employee must be employed at a worksite where at least 50 employees are employed within 75 miles. In addition, one of the following provisions must describe the employee:

1. The employee has been employed by the District for at least 12 months and has completed including use of paid leaves at least 1,250 hours of service during the 12-month period immediately before the beginning of the leave. The 12 months an employee must have been employed by the District need not be consecutive. However, the District will not consider any period of previous employment that occurred more than 7 years before the date of the most recent hiring, except when the service break is due to National Guard or Reserve military service or when a written agreement exists concerning the District's intention to rehire the employee.
2. The employee is a full-time classroom teacher.

#### Section C – Requesting Leave

If the need for the FMLA leave is foreseeable, an employee must provide the superintendent or designee with at least 30 days' advance notice before the leave is to begin. If 30 days' advance notice is not practicable, the notice must be given as soon as practicable. The employee shall make a reasonable effort to schedule a planned medical treatment so as not to disrupt the District's operations, subject to the approval of the health care provider administering the treatment. The employee shall provide at least verbal notice sufficient to make the superintendent or designee aware that he or she needs FMLA leave, and the anticipated timing and duration of the leave. Failure to give the required notice for a foreseeable leave may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Section D – Certification

Within 15 calendar days after the superintendent or designee makes a request for certification for a FMLA leave, an employee must provide one of the following:

1. When the leave is to care for the employee's covered family member with a serious health condition, the employee must provide a certificate completed by the family member's health care provider.
2. When the leave is due to the employee's own serious health condition, the employee must provide a certificate completed by the employee's health care provider.
3. When the leave is to care for a covered servicemember with a serious illness or injury, the employee must provide a certificate completed by an authorized health care provider for the covered servicemember.
4. When the leave is because of a qualified exigency, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military indicating that the military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

The District may require an employee to obtain a second and third opinion at its expense when it has reason to doubt the validity of a medical certification.

The District may require recertification at reasonable intervals, but not more than once every 30 days. Regardless of the length of time since the last request, the District may request recertification when the, (1) employee requests a leave extension, (2) circumstances described by the original certification change significantly, or (3) District receives information that casts doubt upon the continuing validity of the original certification. Recertification is at the employee's expense and must be provided within 15 calendar days after the request. The District may request recertification every 6 months in connection with any absence by an employee needing an intermittent or reduced schedule leave for conditions with a duration in excess of 6 months.

Failure to furnish a complete and sufficient certification on forms provided by the District may result in a denial of the leave request.

Section E – Continuation of Health Benefits

During FMLA leave, employees are entitled to continuation of health benefits that would have been provided if they were working. Any share of health plan premiums being paid by the employee before taking the leave, must continue to be paid by the employee during the FMLA leave. A District's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late and the District notifies the employee at least 15 days before coverage will cease.

Section F – Changed Circumstances and Intent to Return

An employee must provide the superintendent or designee reasonable notice of changed circumstances (i.e., within 2 business days if the changed circumstances are foreseeable) that will alter the duration of the FMLA leave. The superintendent or designee, taking into consideration all of the relevant facts and circumstances related to an individual's leave situation, may ask an employee who has been on FMLA leave for at least 8 consecutive weeks whether he or she intends to return to work.

Section G – Return to Work

If returning from FMLA leave occasioned by the employee's own serious health condition, the employee is required to obtain and present certification from the employee's health care provider that he or she is able to resume work.

An employee returning from FMLA leave will be given an equivalent position to his or her position before the leave, subject to: (1) permissible limitations the District may impose as provided in the FMLA or implementing regulations, and (2) the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by the FMLA regulations.

Section H – Implementation

The superintendent or designee shall ensure that: (1) all required notices and responses to leave requests are provided to employees in accordance with the FMLA; and (2) this policy is implemented in accordance with the FMLA. In the event of a conflict between the policy and the FMLA or its regulations, the latter shall control. The terms used in this policy shall be defined as in the FMLA regulations.

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