

PROFESSIONAL STAFF LEAVES AND ABSENCES (Family and Medical Leave Act)

For purposes of implementing the Family and Medical Leave Act of 1993 (the Act) and the Code of Federal Regulations, Title 29, Part 25, June 4, 1993, as amended, for district employees, the following provisions will apply:

1. The "twelve (12)-month period" in which the leave may be taken shall be: A "rolling" 12-month period measured backward from the date an employee requests leave (but not extending prior to August 5, 1993).
2. Under the Act, an employee may take leave to care for his or her own serious health condition if it makes him or her unable to perform his or her job functions. An employee may also take leave to care for the serious health condition of the spouse, child or the employee's parent. Unless the employee specifies on the applicable leave form that the leave is for the care of a non-qualified person under the Act, the leave will be considered to be covered under the Act.

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves in-patient care at a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider.

"Continuing treatment by a health care provider" means treatment two or more times by a health care provider, somebody under the provider's direct supervision or somebody under orders of or on referral by a provider. The definition also includes a serious chronic condition, such as Alzheimer's Disease, regardless of whether any treatment is given.

3. If both a husband and wife are employed by the district and leave is taken for the birth or adoption of a child or the placement of a child with the employees for foster care, the combined total leave for the husband and wife under the Act is limited to twelve (12) weeks.
4. Leave taken under the Act for the birth, adoption or placement of a child must be concluded within twelve (12) months after the birth, adoption or placement.
5. Vacation leave or personal illness leave taken under any employee agreement or policy of the district that qualifies for leave under the Act shall count against the twelve (12) weeks of unpaid leave under the Act. For qualifying leave under the Act, the employee, to the extent that any paid leave is available, must take such paid leave.
6. If a member of the instructional staff begins any category of Family and Medical Leave five (5) or more weeks prior to the end of the semester, and the period of leave is for more than three (3) weeks, then the superintendent may require the member seeking to return within the last three (3) weeks to wait until the next semester.

7. If a member of the instructional staff begins any category of Family and Medical Leave (except personal sick leave) fewer than five (5) weeks before the end of the semester and the period of leave is greater than two (2) weeks, then the superintendent may require the member seeking to return within the last two (2) weeks to wait until the next semester.
8. If a member of the instructional staff begins any category of Family and Medical Leave (except personal sick leave) three (3) or fewer weeks before the end of the semester and the period of leave is greater than five (5) working days, the superintendent may require the member to wait until the next semester to return.