

- CLASSIFIED PERSONNEL -**Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993, as amended (FMLA), and under procedures developed by the Superintendent, eligible employees may take up to twelve (12) workweeks of unpaid family and medical leave each rolling 12 month period for the following reasons:

1. For the birth and care of an employee's newborn child within twelve (12) months of the birth or for the placement of a child with the employee for adoption or foster care within twelve (12) months of the placement;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the functions of his/her job;
4. To address a qualifying exigency (need) defined by federal regulation arising from the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

NOTICES AND DEADLINES

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate a certification of healthcare provider form submitted in support of a family and medical leave request about which there are questions. The employee's direct supervisor shall not contact the provider.

Family and Medical Leave

NOTICES AND DEADLINES (CONTINUED)

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known). When leave is needed for planned medical treatment, the employee must consult with the District about the leave schedule.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

ELIGIBILITY

Employees are eligible for FMLA leave if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave.

Full-time classified employees on the 187 Board approved calendar and who work 6.5 hours a day are deemed to meet the 1,250 hour test if they have been employed in the District for twelve (12) months, worked at least 1,215 hours during the twelve (12) months preceding the start of the leave and otherwise qualify for family and medical leave. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

RESTRICTIONS

Leave that is taken by an eligible employee for any of the designated reasons shall be counted as family and medical leave, even if the employee does not request leave under the FMLA. If an employee is entitled to paid leave under any Kentucky statute, other District policy, or collective bargaining agreement, the employee may elect to substitute the paid leave for unpaid FMLA leave, and the paid leave shall run concurrently with the FMLA leave. Employee elections for regarding whether to utilize paid or unpaid leave shall remain final.

When an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the family and medical leave entitlement.

Paid leave used by the employee under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Per Board policy 03.2233, an employee may use up to thirty (30) days of sick leave immediately following the birth or adoption of a child or children. Additional FMLA leave for a recovery after the birth or for the illness of the new born may be used when the need is verified by a physician's statement. Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

Family and Medical Leave**RESTRICTIONS (CONTINUED)**

When both spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave. Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis for a serious health condition of the employee or a family member. Intermittent leave or a reduced leave schedule may be taken for other reasons only at the District's discretion. The District may temporarily transfer an employee to an available alternative position or may alter an existing job to better accommodate intermittent or reduced schedule leave. If intermittent leave or reduced schedule leave is requested for planned medical treatment, and if the leave would cover more than twenty (20) percent of the working days in the period of leave, the District may require the employee either to take leave for a period or periods not greater than the duration of the treatment, or to transfer temporarily to an alternative equivalent position which better accommodates such leave.

CONTINUATION OF BENEFITS

While on family and medical leave, employees shall be entitled to all employment benefits accrued before the leave began. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Employees on leave shall pay their portion of health insurance premiums unless they choose to terminate health insurance. If an employee substitutes paid leave for family and medical leave, the employee's portion of health insurance premiums will be paid by payroll deduction during the period of paid leave.

Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work.

Upon return to work, the employee shall be entitled to his/her same position (or a position with equivalent pay, benefits, and terms and conditions of employment) as determined by established District policies, practices and collective bargaining agreements. However, the employee has no greater right to reinstatement or benefits than if the employee had not taken any leave.

Family and Medical Leave**NOTICE**

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

MISCELLANEOUS

Except as set forth in this policy, the District reserves the right to exercise all discretion afforded to it under the FMLA and federal regulations. This policy shall not expand eligibility for leave beyond what is required by federal law. To the extent that this policy fails to state any limitations or requirements set forth in the FMLA and federal regulations, such limitations or requirements shall apply. If greater rights are provided under any collective bargaining agreement, such rights shall apply.

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825
[OAG 17-022](#)
[KRS 156.026](#)

RELATED POLICIES:

03.223; 03.2232; 03.2233; 03.2234; 03.2238; 03.224

Adopted/Amended: 1/10/2017
Order #: 2017-012