

C-PERSONNEL

FAMILY AND MEDICAL LEAVE POLICY

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The St. Francis School District (“the District”) shall provide family and/or medical leave by to its employees in compliance with applicable federal and state law. This policy does not repeat every provision of the federal or state statutory or regulatory requirements. For additional information contact the District Administrator or the Human Resources Department.

Eligible employees will be allowed up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for the birth or placement of a child for adoption or foster care, to care for the employee's parent, child or spouse who is suffering from a serious health condition, for the employee's own serious health condition, or for any “qualifying exigency” arising as a result of the employee's child, parent, or spouse serving on active military duty. Subject to restrictions under the federal and Wisconsin leave acts, eligible employees will be allowed up to twenty-six (26) workweeks of unpaid leave in a single twelve month period to care for their parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank or rating or who was a member of the Armed Forces any time during the period of 5 years preceding the date on which the veteran undergoes treatment for any such illness or injury. The District administers this policy on a calendar year basis.

These leaves (Federal and Wisconsin) shall run concurrently with each other and with any other leave which is available to the employee under the policies of the District as well as under Federal and Wisconsin law. All Family and Medical Leave will be unpaid unless the employee has accrued paid leave available for substitution as discussed below. The taking of leave under this Policy will not be used against an employee in any employment decision, including in the determination of raises or discipline.

ELIGIBILITY FOR LEAVE

It is the policy of the District to provide employees with Wisconsin family or medical leave if they have worked for the District for at least fifty-two (52) weeks and have been paid by the District for at least 1,000 hours of work in the twelve (12) month period immediately prior to the time leave begins. Employees will be eligible for, or also eligible for, Federal family and medical leave if they have worked for the District for at least twelve (12) months and have worked 1,250 hours for the District in the twelve (12) month period immediately prior to the time leave begins. The leave taken under this Policy will count toward the leave to which an employee may be entitled under Federal and/or Wisconsin law.

AMOUNT OF LEAVE AVAILABLE

Employees are generally entitled to unpaid leave during a twelve (12)-month period for any one or combination of the following reasons, i.e., time off under A, B and/or C:

A. Birth or Placement for Adoption or Foster Care of a Son or Daughter.

Unpaid leave, of up to twelve (12) weeks under Federal law and six (6) weeks under Wisconsin law, to be taken by an eligible employee on the birth or placement for adoption

or foster care of a child with the employee. Leave must be taken all at once unless the District agrees otherwise or as required by law. Certain types of accrued paid leave (personal leave and vacation) for which the employee is eligible at the time leave begins may be substituted or may be required to be substituted for this otherwise unpaid time. Intermittent leave will only be allowed during the 16 week period before and after a birth or adoption. The paid time used will not be available later. Extensions of family leave will not be permitted, except as required by law or pursuant to a contractual obligation of the District.

B. Serious Health Condition of Employee.

Unpaid leave of up to twelve (12) weeks under Federal law and two (2) weeks under Wisconsin law may be taken by an employee in the event he/she experiences a "serious health condition." A serious health condition will generally occur when the employee receives inpatient care at a hospital, hospice or nursing home or receives outpatient care which requires a schedule of continuing treatment by a health care provider and renders the employee incapable of performing the functions of his/her position. Medical leave may be taken all at once or in smaller increments as medically necessary. If leave is taken in smaller increments, the employee may be temporarily transferred to another job. An employee must provide the District, within fifteen (15) days of requesting leave, with a Health Care Provider Certification which is completed by the employee's treating health care provider. Health Care Provider Certification forms are available from the Human Resources Department. Failure to provide a properly completed form may result in a delay or denial of the leave. Certain types of accrued paid leave for which the employee is eligible at the time the leave begins may be substituted or may be required to be substituted, for all or a portion of the otherwise unpaid leave period. If the leave is required due to a work-related injury, workers' compensation leave will be run concurrently with the leave an employee is entitled to under the law, to the extent permitted by law. Any paid leave used will not be available later. Extensions of medical leave will not be allowed, except as required by law or pursuant to a contractual obligation of the District.

C. Serious Health Condition of a Son or Daughter, Parent or Spouse.

Unpaid leave of up to twelve (12) weeks under Federal law and two (2) weeks under Wisconsin law may be taken by an employee to care for a son, daughter, spouse or parent with a "serious health condition." If leave is requested for such an individual, the employee must provide the District, within fifteen (15) calendar days of the request for leave, with a Health Care Provider Certification prepared by the treating health care provider of the individual which sets forth the facts surrounding the health condition of the individual and that the employee is needed to care for the person. Health Care Provider Certification forms are available from the Human Resources Department. Failure to provide a properly completed form may result in a delay or denial of the leave. The medical leave may be taken all at once or in smaller increments as medically necessary. If leave is taken in increments smaller than the maximum period of leave permitted under the law, the employee may be temporarily transferred to another job at the District. Certain types of accrued paid leave for which the employee is eligible at the time leave begins may be

substituted or may be required to be substituted for all or a portion of the otherwise unpaid time. This paid time will not be available later. Extensions of medical leave will not be allowed, except as required by law or pursuant to a contractual obligation of the District.

D. **Family Leave for Active Duty Service**

Unpaid leave of up to twelve (12) weeks under federal law may be taken by an employee for any “qualifying exigency” as defined by the U.S. Department of Labor regulations (or in the absence of such regulations, by the District), which arises as a result of the employee’s spouse, son, daughter or parent serving on active military duty.

Until such time as the U.S. Department of Labor issues regulations defining “qualifying exigency,” the District defines the term to include the following: necessary provision of child or elder care, or arrangement for such care, on behalf of the service member; arrangement of financial or legal affairs necessary to address the service member’s absence; attendance at counseling related to the service member’s active military duty; attendance at official ceremonies or programs related to the service member’s active military duty; arrangement of affairs necessitated by the missing status or death of the service member; and the provision of other necessary medical, financial, legal, child care or elder care assistance associated with the service member’s deployment or redeployment.

Certain types of accrued leave for which the employee is eligible at the time the leave begins may be substituted or may be required to be substituted, for all or a portion of the otherwise unpaid leave. Any paid leave used will not be available later. Extension of leave will not be permitted except as may be required by law.

E. **Family Leave to Care for Service Member**

Unpaid leave of up to twenty-six (26) weeks under federal law may be taken by an employee to care for their parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness in the line of duty which renders the service member medically unfit to perform the member’s office, grade, rank or rating or who was a member of the Armed Forces any time during the period of 5 years preceding the date on which the veteran undergoes treatment for any such serious illness or injury. This type of leave is available for serious injury or illness which results in:

- Inpatient medical treatment, recuperation or therapy;
- Outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
- Assignment to the temporary disability retired list.

The maximum 26 weeks of federal FMLA leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of 26 weeks of FMLA during a single 12-month period for any qualifying reason under the FMLA. For example, if an employee takes the maximum 12 weeks of

federal FMLA leave for his or her own serious health condition, the employee may then only take 14 weeks of FMLA leave within the same 12-month period to care for a military family member injured in the line of duty.

Certain types of accrued paid leave for which the employee is eligible at the time the leave begins may be substituted or may be required to be substituted, for all or a portion of the otherwise unpaid leave. Any paid leave used will not be available later. Extensions of leave will not be permitted, except as required by law.

Note: Teachers may be required to take continuous leave in certain circumstances even though desiring to take leave on an intermittent basis. Please see the Human Resources Department for additional information.

NOTIFYING THE DISTRICT OF YOUR NEED FOR FAMILY OR MEDICAL LEAVE

In the event an employee would like foreseeable family or medical leave, the District must be notified, in writing, at least fifteen (15) calendar days before the date on which leave is to begin. In the event of an emergency, notice must be provided no later than two (2) working days after the commencement of leave. The Family and Medical Leave Request form is available from the Human Resources Department.

HEALTH INSURANCE AND BENEFITS

The employee may continue to receive health insurance, including dental, coverage while on a family or medical leave. If the employee has pay substituted for otherwise unpaid leave, the employee's share of premiums (if any is required for similarly situated active employees) will be paid through the District's normal payroll deduction method. If the leave is unpaid, the employee must pay for the employee portion of the premium (if any is required for similarly situated active employees) for coverage during the period of leave. All premiums for coverage are due no later than the first day of the month to which coverage relates. Certain other employment benefits may also be continued during the family and/or medical leave. An employee must notify the District of his or her intent not to continue health insurance coverage while on leave. Otherwise, it is assumed that the employee chooses to continue such coverage. If an employee fails to return to work or fails to remain at work for a period provided at law, the District may recover its portion of the premium paid for health plan coverage during the leave.

ADDITIONAL CERTIFICATIONS

The District may request that an employee provide additional health care provider certifications from a health care provider chosen, and paid for, by the District. The District may request that an employee recertify as to the continuation of the serious health condition at various points in time.

The District may request certifications or other documentation from employees taking family leave for military service, or family leave to care for a service member, in order to verify the employee's eligibility for such leave.

RETURN TO EMPLOYMENT AT END OF LEAVE

At the end of an employee's family or medical leave, he/she will be returned to the position held by the employee at the commencement of leave or, if the position is filled, to equivalent employment with the District. If an employee wants to return to work before his/her leave is to end, and work is available, the employee must notify the District at least two (2) days prior to the desired return date. If the reason for leave was due to the serious health condition of the employee, the District will require that a medical release be provided to the District before the employee returns to work. If a medical release is not received, the employee's return to work will be delayed until it is received. For teachers returning from leave, leave may be required to be extended through the completion of the term in some circumstances. An employee's failure to return to work may result in his/her termination from employment.

FAILURE TO MEET POLICY REQUIREMENTS

If you fail to meet the requirements of this Policy for family or medical leave, your request for leave may be denied or delayed until the requirements are met. Absences not qualified under this Policy may result in attendance policy violations, which may result in discipline up to and including termination from employment.

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If you have any questions regarding the operation or interpretation of this Policy, please contact the District Administrator or the Human Resources Department.

/original signed/

Clerk

Legal Ref: Family and Medical Leave Act of 1993
 Wisconsin Statutes Section 103.10 (Family and Medical Leave)

Adopted / Approved: November 20, 2006
Last Revision: April 19, 2010