

FAMILY AND MEDICAL LEAVE

The requirements of the Family and Medical Leave Act of 1993 are provided for in this policy. The Lafayette Parish School Board shall permit qualified employees to take up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for family and medical reasons. If there is a medical complication as a result of pregnancy, a female employee is entitled to sixteen (16) weeks of unpaid leave.

ELIGIBILITY

Employees qualifying for *Family and Medical Leave Act* benefits shall have been employed by the School Board for at least twelve (12) months, and worked at least 1250 hours during the last fifteen (15) months, prior to the date of the leave to be taken. For the purposes of this policy, the twelve (12) month period shall be measured forward from date of first leave, or rolling period measured backward from the date the employee uses leave. Such unpaid leave may only be taken for the following reasons:

1. For the birth of the employee's child and subsequent care;
2. For the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, child or parent of the employee who has a serious health condition; or
4. When the serious health condition of the employee renders the employee unable to perform the function of the position of such employee.

Leave may be taken for birth or placement of a child only within twelve (12) months of the birth or placement.

SUBSTITUTION OF PAID LEAVE

Any family and medical leave granted an employee under accumulated sick leave, current sick leave, extended sick leave, medical sabbatical leave or maternity leave shall run concurrently with any leave available to the employee under this policy. If paid leave is used by an employee, the Board shall provide only enough unpaid family and medical leave time to total the allowed 12-week period or 16-week period.

DURATION OF LEAVE

Generally, the time taken for family and medical leave shall be on a continuous basis. However, the employee shall be permitted to take leave on an intermittent or reduced basis to care for a seriously ill family member or the employee's own illness when medically necessary. An employee may take intermittent leave for the birth or adoption

of a child only with the Superintendent's approval. The twelve (12) month period begins on the first day FMLA leave is taken.

If a teacher's period of absence on intermittent leave amounts to more than twenty percent (20%) of classroom time, the teacher may be required to take continuous leave throughout the treatment period or be placed temporarily in an equivalent position, for which the teacher is qualified and which has equivalent status, pay and benefits, and which would not be so disruptive to the classroom.

In any case where both husband and wife are employed by the School Board, the aggregate number of work weeks of FMLA leave to which both may be entitled is limited to twelve (12) weeks during any one-year period.

ADVANCE NOTICE

The employee must provide at least a 30-day written notice when applying for qualified leave for the birth of the employee's child and subsequent care; or for the placement of a child with the employee for adoption or foster care, and said necessity of leave is foreseeable based on the expected birth or placement. If the date of birth or placement requires the leave to begin in less than thirty (30) days, notice shall be given as soon as possible.

The 30-day notice also applies in any case in which the necessity of leave is in order to care of the spouse, child or parent of the employee who has a serious health condition; or when the serious health condition of the employee renders the employee unable to work, and the need to take such leave is foreseeable based on planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt school operations.

If a sudden occurrence prohibits the 30-day notice period the employee must provide notice of the event no later than 48 hours of the occurrence.

When applying for leave the employee is required to provide a date of return. If unable to return on the date indicated the employee must provide notice in advance of the return date along with supporting documentation from a treating physician that substantiates the request for an extension. Failure to do so may invalidate the leave.

MEDICAL CERTIFICATION

Since it is the duty of the Board to determine whether the employee's or family member's health contributes a *serious health condition* as defined by federal statute, the Board requires an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner.

Employees on a leave of absence due to a serious health condition shall be expected to keep their supervisors notified of their progress and expected date of return from the leave of absence. Employees shall be required to submit a re-certification from their physician on the required form once every thirty (30) days. Under certain circumstances, the Superintendent may require re-certification on a more frequent basis.

RETURN TO SERVICE

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee returning to service at the end of his/her leave period for personal medical reasons shall be required to present to the Human Resources Department a letter from his/her doctor certifying that he/she is able to return to work.

The Superintendent may not be obligated to restore certain “highly compensated” or “key” employees (as defined by law) to his/her former position under the conditions set out in the FMLA.

FMLA FOR MILITARY PERSONNEL

Family and Medical Leave Act of 1993 (FMLA) also permits a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner. Certification shall be sufficient if it includes the following items:

1. the date on which the serious health condition commenced;
2. the probable duration of the condition;
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4. a. for purposes of leave to care for immediate family member a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time

that such employee is needed to care for the son, daughter, spouse, or parent; and

- b. for purposes of leave for self, a statement that the employee is unable to perform the functions of the position of the employee;
5. in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

This policy shall also permit an employee to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

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Ref: 29 USCA 2601 et seq. (*The Family and Medical Leave Act of 1993*); 29 CFR 825 et seq. (*The Family and Medical Leave Act of 1993—Federal Regulations*); LA R.S. 23:342.