

Emery County School District



Policy: GECC—Family and Medical Leave

Date Adopted: 22 September 1993
Current Review / Revision: 18 June 2013

This policy is adopted in conformance with the Family and Medical Leave Act, 29, U.S.C. § 2601 and following, and controls all other District policies related to family, sick, bereavement, pregnancy and/or disability leaves.

Definitions

- 1) *"Eligible employee"* means any employee of the District who has been employed for at least 12 consecutive months by the District and worked at least 1,250 hours during the immediate 12-month period prior to any request for leave under this policy.
- 2) *"Employment benefits"* means all benefits provided by the District to its employees such as group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pension or retirement benefits.
- 3) *"Health care provider"* means a licensed doctor of osteopathy or medicine.
- 4) *"Parent"* means the natural or adoptive parent of a child, or a legal guardian who acts in the place of a parent.
- 5) *"Son or daughter"* means a biological, adopted, or foster child, a stepchild, a legal ward, of a person who acts as parent. A child is:
 - a) Less than 18 years of age; or
 - b) Older than 18 years but incapable of self-care due to mental or physical disability.
- 6) *"Spouse"* means a legal husband or wife.
- 7) *"Serious health condition"* means an illness, injury, impairment, or physical or mental condition that requires:
 - a) In-patient care in a hospital, hospice, or residential medical facility; or
 - b) Continuing treatment by a health care provider.

An eligible employee may receive up to a total of 12 work weeks of leave without pay during any 12-month period in the event of any of the following:

- 1) The birth of a son or daughter of the employee in order to care for that son or daughter;
- 2) The placement of a son or daughter with the employee for adoption or foster care;
- 3) A spouse, son, daughter or parent has a serious health condition; or

- 4) The employee suffers from a serious health condition that makes the employee unable to perform the essential functions of that employee's position.

Any employee eligible for leave under this policy, who is also eligible for unpaid leave under any other District policy, shall be limited to the additional weeks of leave necessary to attain the total 12 work weeks of leave provided by this policy.

The eligible employee may elect, or the District may require the employee to substitute any accrued paid vacation leave, personal leave, or sick leave of the employee for any part of the 12-week period provided:

- 1) The cause of the leave is a serious health condition of the employee, spouse, son or daughter; and
- 2) Nothing shall require the District to provide paid sick leave in any situation where it is not otherwise provided under District policies.

An employee shall make a reasonable effort to:

- 1) Provide the District with at least thirty (30) days prior written notice of any anticipated leave under this policy whenever the leave is foreseeable; and
- 2) Schedule treatment so as not to disrupt the operations of the District.

In any case where both husband and wife are employees of the District and both seek leave under this policy, such leave shall be limited to an aggregate of 12-work weeks during any 12-month period if:

- 1) Leave is sought to care for a newborn daughter or son or the adoption of a daughter or son; or
- 2) Leave is sought to care for a sick parent.

All requests for leave under this policy must be supported by a certification issued by a health care provider of the eligible employee, or the son, daughter, spouse or parent of the employee. The certification shall be provided at least three (3) days after leave is requested. A certification is sufficient if it states:

- 1) The date on which the serious health condition commenced;
- 2) The probable duration of the condition;
- 3) The appropriate medical facts regarding the condition; and
- 4) A statement that the serious medical condition prevents the employee from performing the tasks of the position or that requires the employee to attend and care for a son, daughter, spouse or parent.

An employee who takes leave in conformance with this policy shall:

- 1) Be restored to the position held by the employee prior to leave; or
- 2) Be provided an equivalent position in terms of benefits, pay and responsibilities.

No benefit accrued prior to taking leave shall be lost as a result of taking leave under this policy. An employee shall not accrue any seniority or employment benefits during any period of leave.

The District may deny restoration of employment or an equivalent position if:

- 1) The denial is necessary to prevent substantial and grievous economic injury to the operations of the District;
- 2) The District notifies the employee that it intends to deny restoration when it determines that injury would occur; or
- 3) The employee elects not to return to employment after receiving notice.

If an employee fails to return to work after leave expires for reasons other than continuation, recurrence or onset of a serious health condition of the employee, son, daughter, or spouse, then the District may recover the premium paid for maintaining coverage for the employee during the leave period.

If the employee begins leave more than five weeks prior to the end of the school year, the employee must continue taking unpaid leave until the end of the school year if:

- 1) The leave requested is of at least three weeks duration; and
- 2) The return to employment would occur during the week period before the end of the school year.

If the employee begins leave for reasons other than a personal serious health condition which commences less than five weeks prior to the end of the school year, then the employee must continue to take unpaid leave until the end of the school year if:

- 1) The leave requested is of greater than a two-week duration; and
- 2) The return to employment would occur during the two-week period before the end of the school year.

If the employee begins leave for reasons other than personal serious health condition during the period that commences three weeks prior to the end of the school year and the leave is greater than five working days, then the employee must continue to take unpaid leave until the end of the school year.

The District shall post, in a conspicuous place and on school premises, a notice of rights under this policy. This notice must be approved by the Secretary of Labor.