

## FAMILY AND MEDICAL LEAVE POLICY

### GENERAL

Employees who have been employed for at least one year and for at least 1,250 hours during the preceding 12-month period, are eligible for family and medical leave. Except for those employees designated as "highly compensated employees," employees will be returned to the same or to an equivalent position upon their return from leave.

Family or medical leave will be unpaid leave. If leave is requested for an employee's own serious health condition, the employee must use all of the employee's accrued paid vacation leave, sick leave or personal leave. If leave is requested for reason number 3 listed below, the employee must use all of the employee's accrued paid vacation or personal leave. For reasons 1 and 2 listed below, the employee may access parenting leave is available under the collective bargaining agreement. The remainder of the leave period will then consist of unpaid leave.

### REASONS FOR LEAVE

All employees who meet the applicable time-of-service requirements may be granted a total of 12 weeks of unpaid family leave and where applicable paid sick, vacation, and personal leave combined during any school year (defined as July 1 to June 30) for the following reasons:

- (1) the birth of the employee's child and in order to care for the child;
- (2) the placement of a child with the employee for adoption or foster care;
- (3) to care for a spouse, child or parent who has a serious health condition; or
- (4) a serious health condition that renders the employee incapable of performing the functions of the employee's job.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement.

### APPLICATION FOR LEAVE

In all cases, an employee requesting leave must complete the attached "Application for Family and Medical Leave" and return it to the business office. The completed application must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave.

### NOTICE OF LEAVE

An employee intending to take family or medical leave because of an expected birth or placement, or because of a planned medical treatment, must submit an application for leave at

least 30 days before the leave is to begin. If leave is to begin within 30 days, an employee must give notice to the employee's immediate supervisor and to the business office as soon as the necessity for the leave arises.

#### MEDICAL CERTIFICATION OF LEAVE

An application for leave based on the serious health condition of the employee or the employee's spouse, child or parent must also be accompanied by a "Medical Certification Statement" completed by the applicable health care provider. The certification must state the date on which the health condition commenced, the probable duration of the condition, and appropriate medical facts regarding the condition. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will need. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the job.

#### BENEFITS COVERAGE DURING LEAVE

During a period of family or medical leave, an employee will be retained on the district's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that the employee made to the plan before taking leave. Failure of the employee to pay such share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the district for payment of the district's share of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing the employee's job or to circumstance beyond the employee's control.

An employee is not entitled to the accrual of any seniority or employment benefits that would have accrued if not for the taking of leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began.

#### RESTORATION TO EMPLOYMENT

An employee eligible for family and medical leave - with the exception of those employees designated as "highly compensated employees" - will be restored to the employee's former position or to a position with equivalent pay, benefits, and other terms and correlations of employment. The district cannot guarantee that an employee will be returned to such person's original position. A determination as to whether a position is an "equivalent position" will be made by the district.

#### RETURN FROM LEAVE

An employee must complete a "Notice of Intention to Return From Family or Medical Leave" before the employee can be returned to active status. If an employee wishes to return to work

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before the expiration of a family or medical leave of absence, notification must be given to the business office at least 15 working days before the employee's planned return.

#### FAILURE TO RETURN FROM LEAVE.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence could be considered an abandonment of the employee's employment. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of the employee's own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the business office, for final consideration. This written request should be made as soon as the employee realizes that the employee will not be able to return at the expiration of the leave period.

#### INTERMITTENT LEAVE FOR "INSTRUCTIONAL EMPLOYEES"

Special rules apply if an employee employed 11 mainly in an instructional capacity" requests medical leave that is foreseeable based on a planned medical treatment and the employee would be gone for more than 20 percent of the working days during the period of leave. In such cases, the district may require the employee to do the following:

- (1) take leave for periods of a particular duration; or
- (2) transfer temporarily to another position offered by the employer for which the employee is qualified, as long as the new position has equivalent pay and benefits and better accommodates the recurring periods of leave.

Employees employed in an "instructional capacity" include teachers or other employees whose principal function is to directly provide educational services. This includes special education assistants (e.g. sign language interpreter s) whose presence in the classroom is necessary. Teacher assistants, cafeteria workers and other primarily non-instructional employees are not "instructional employees.

#### LEAVE REQUESTED NEAR THE END OF AN ACADEMIC TERM

Special rules have been established to allow those persons employed in an "instructional capacity" to take needed family or medical leave without disrupting the classroom at a critical point in the year. The district may require an instructional employee who begins family or medical leave more than five weeks before the end of an academic term to continue such leave

until the end of the term if (1) leave period is at least three weeks, and (2) the employee's return to work would occur during the three-week period before the end of the term.

**Charlotte Valley Central School - Revised Policy # 99**

**Adopted, readopted or revised by the Board of Education on:  
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By: *Jennifer H. Plante*  
**Clerk of the Board of Education**