

PERSONNEL

Family and Medical Leave P 5-47

Family and medical leave is intended to augment, in certain circumstances of illness and within one year of the birth, adoption, or foster care placement of a child, those leave provisions extended under other existing policies and regulations to eligible employees. Family medical leave enables eligible employees to extend leave in these certain circumstances to a period which when combined with existing policy provisions does not exceed 60 work days in any 12-month period. Accrued sick leave and personal leave must be applied to the family leave subject to existing leave policies. Employees eligible for vacation leave must apply a minimum of 80% of accrued vacation to family leave. When accrued leave is exhausted as specified above and in existing leave policies, the remainder of the family medical leave will be without pay.

A. Eligibility

Employees of Lynchburg City Schools are eligible for family medical leave if they have been

1. employed in a full-time position as defined in School Board Policy 5-1 and have reported for their assigned duties following their initial employment in a full-time position or their return from an approved leave of absence, resignation, or retirement; and
2. employed for the entire previous contract year and were employed at least 1250 hours during the previous 12-month period.

B. Circumstances Covered

Eligible employees are provided up to a total of 60 work days of leave under family medical leave for the following circumstances:

1. The birth and first-year care of a child.
2. The adoption or foster care placement of a child during the first year following date of adoption or placement.
3. The care for the employee's spouse, parent, or child, if such spouse, parent, or child has a serious health condition.
4. The employee's own serious health condition.

C. Benefit Coverage

During the period of approved family medical leave, eligible employees are entitled to continuation of all benefits, including the accrual of seniority, provided by Lynchburg City Schools for its employees. An employee who includes other family

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members on a policy (health, dental, etc.) is responsible for the continuation of any contributions for such inclusion.

If an employee voluntarily decides not to return to regular employment at the end of a family medical leave period, Lynchburg City Schools may recover premium expenditures made on behalf of that employee during the period of leave. This applies only in cases where reason for failure to return is other than continuation, onset or recurrence of a serious health condition, or due to circumstances beyond the employee's control.

D. Conditions

1. In cases of childbirth, adoption or foster care placement, eligibility for leave entitlement ends 12 months after birth, adoption or placement.
2. In cases where both spouses are employees of Lynchburg City Schools, a combined total of 60 work days of family medical leave is provided for the combination of birth, adoption, foster care placement, and/or parental illness. Sixty work days are provided for each employee for his own illness, or for that of the spouse, parent or a child.

The total leave provided for any combination of circumstances covered under this policy does not exceed 60 work days in any 12-month period.

3. Except where medically required, an employee is not eligible for family medical leave on an intermittent basis or on a reduced-hour basis.
4. An eligible employee who takes family medical leave is entitled to be restored to the same position that the employee held when the leave started or to an equivalent position with equivalent pay, benefits, working conditions and responsibilities.
5. An eligible classroom teacher beginning family medical leave more than 25 work days before the end of a semester may be required by the school board to continue taking leave until the end of the semester
 - a. if the leave is of at least 15 work days duration; and
 - b. if the return to employment would occur during the 15 work days before the end of the semester.

If the eligible classroom teacher begins family medical leave for a reason other than the teacher's own serious health condition during the period that commences 25 work days prior to the end of the semester, the school board

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may require the employee to continue to take leave until the end of such semester if

- a. the leave is greater than 10 work days; and
- b. the return to employment would occur during the **10 work days** before the end of such semester.

If the eligible classroom teacher begins family medical leave for a reason other than the teacher's own serious health condition during the period that commences 15 work days prior to the end of such semester and the duration of the leave is greater than five work days, the school board may require the employee to take leave until the end of the semester.

6. Employees on family medical leave may be required to submit periodic reports on the employee's status and intent to return to work. The schedule of such reports shall be determined by the director for personnel or a designee, in cooperation with the employee and his/her health care provider.

E. Employee Obligations

1. Where necessity for family medical leave is foreseeable, 30 days notice of intent to take leave is required. Reasonable effort to schedule required care so as not to require intermittent or reduced-hour leave is expected. In the event of intermittent or reduced-work schedule the superintendent or his designee may transfer the employee to an alternative position with equivalent pay that better accommodates the employee's work schedule.
2. The employee must provide certification from an approved health care provider as to the necessity for and the length of that employee's family medical leave.
3. The employee must provide certification from an approved health care provider as to that employee's readiness to return to work at the conclusion of a family and medical leave in cases where such leave was for personal illness.
4. Employee failure to fulfill employee obligations herein may result in forfeiture of entitlement to accrual of benefits.-

F. Definitions

See Administrative Regulation 5-47

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Legal Reference:

Family and Medical Leave Act of 1993

Approved by School Board: September 7, 1993
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