

SCHOOL DISTRICT OF MAYVILLE

Administrative Directive 532.31

FAMILY AND MEDICAL LEAVE

The District's family and medical leave policy is intended to conform to, and not exceed, the requirements of the federal and, if applicable, the state family and medical leave laws. The policy is intended to comply with applicable laws, but does not necessarily incorporate all provisions of such laws directly into Mayville's personnel policies. The policy does not specifically repeat every provision of the statutory or regulatory requirements. Posters summarizing the benefits required to be provided under federal and state law can be found with other employment-related postings.

Family and medical leave taken under Board policy may be covered by federal law, by state law, or both. When leave taken by employees under Board policy is governed by both federal and state law, the more generous provision will control in the event of a conflict. However, when leaves are governed by state or federal law, but not both, the applicable law will control under the policy. In this regard, employees should note that certain leaves may be covered by both state and federal law for only a portion of the leave.

Employees may be required to provide advance notice and certain information as set forth below to be eligible for family or medical leave under Board policy. Employees may also be required to submit leave requests in writing when circumstances and applicable law permit. Employees' use of other leaves provided by Mayville for the reasons covered by law, when appropriate, will be treated as use of family and/or medical leave whenever applicable laws allow.

Eligibility Requirements

1. WHAT ARE THE ELIGIBILITY REQUIREMENTS?

To be eligible for leave under federal law, an employee must have been employed by the School District of Mayville for at least twelve months and have worked at least 1,250 hours during the twelve month period immediately preceding the commencement of the requested leave. To be eligible for leave under state law, an employee must have been employed for more than 52 consecutive weeks and have been paid for at least 1,000 hours. The kind and amount of leave available to an employee under Board policy, as well as an employee's rights during leave, depends on whether the employee meets one or both of these requirements. Exceptions to these requirements shall be made only by separate written policy of the District. See District Administrator for details.

2. WHAT TYPES OF LEAVE ARE AVAILABLE?

The District provides family and medical leave for eligible employees under the following circumstances:

- a. For the birth of the eligible employee's child and to care for a newborn child;
- b. For placement with the eligible employee of a child for adoption and, under federal law, foster care;

- c. To care for an eligible employee's spouse, son, daughter or parent with a serious health condition, and
- d. Because of a serious health condition that makes the eligible employee unable to perform the functions of the employee's job.

3. WHAT IS THE DEFINITION OF "SERIOUS HEALTH CONDITION"?

A qualifying "serious health condition" under Board policy and this directive means an illness, injury, impairment or physical or mental condition that involves any of the following:

- a. Any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital, hospice or residential medical care facility (i.e., overnight stay);
- b. Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider;
- c. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
- d. Pre-natal care.

Leave may also be available under certain circumstances for less than three day absences if an employee suffers from or provides care for a family member with a disabling condition requiring either in-patient care or continuing treatment or supervision by a health care provider.

4. WHAT AMOUNT OF LEAVE IS AVAILABLE?

Under federal law, an eligible employee is entitled to a total of 12 work weeks of leave during a 12-month period for any of the reasons stated in Section 2 above. The 12-month period utilized by the District in applying Board policy is defined as the calendar year. Under state law, an eligible employee is generally entitled to:

- a. A total of six weeks of leave for the birth of the employee's natural child and/or the placement of a child with the employee for, or as a precondition to, adoption;
- b. A total of two weeks of leave to care for a covered family member with a serious health condition; and
- c. A total of two weeks of leave if the employee cannot perform his/her employment duties due to a serious health condition, as described in Section 2 above. It is the policy of the District to treat use of family or medical leave under board policy as simultaneous use of state and federal leave entitlements whenever appropriate and permitted by law.

5. IN WHAT MANNER MAY LEAVE BE TAKEN?

Leave available under Board policy may be taken in full, but may also be taken intermittently (e.g., one week at a time) or on a reduced leave schedule (e.g., consecutive hours at a time) under certain circumstances. See District Administrator for details.

6. WHAT COMPENSATION IS PAID DURING LEAVE?

Generally, leave taken under Board policy is unpaid. However, for leaves exclusively governed by federal law, employees may use the following leaves provided by the District, if available:

- a. Vacation or personal leave, if available, for any family or medical leave;
- b. Accrued paid family leave (i.e., paid leave covering the particular circumstances for which the employee is seeking leave), if available, for birth, adoption or to care for a seriously ill family member; and
- c. Accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the employee's own serious health condition. For leaves governed exclusively by federal law, the District does not provide paid sick leave or paid medical leave for leave taken under Board policy in any situation where the District would not normally provide such paid leave. Further, in such cases, the District reserves the right to require an employee to use paid leave for leave taken under Board policy whenever permitted by law.

For leaves governed by state law, employees may substitute paid or unpaid leave that has accrued to the employee for leave taken under Board policy. This includes paid vacation or personal leave provided by separate policy of the District, if available. Generally, though not always, this will also include leave time that employees earn and accumulate through the course of their employment with the District, but does not include leave which do not cover the particular circumstances for which leave is requested and which are not progressively earned and banked through continuing service to the District.

7. DO I CONTINUE TO RECEIVE AND ACCRUE BENEFITS?

Employees will remain eligible for health insurance benefits under the District's group health plan during leave taken under Board policy under the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave. For leaves governed by state law, health insurance shall include dental and vision insurance, if otherwise provided to the employee. Employees, however, may choose not to retain such coverage during family and medical leave. During leave taken under Board policy, the District will pay any portion of the premiums for coverage that it was responsible for paying immediately prior to the leave. Check with the District Administrator for further details concerning arrangements for making employee payments for health insurance during leaves. The District reserves the right to require employees to place up to eight weeks of premiums in escrow prior to leave, pursuant to state law, or to discontinue coverage if premiums are received from employees more than thirty days late, pursuant to federal law, to the extent permitted by law. Employees shall not accrue seniority or any other employment benefit during leave taken under Board policy, except that such benefits shall accrue if employees elect to use other leaves provided by the District pursuant to Section 6 above, and if such benefits would normally accrue during that leave. The employee's position shall be held open during the leave period in accordance with applicable law.

8. IS ADVANCE NOTICE REQUIRED?

Employees must provide the District with notice in a reasonable and practicable manner before leave taken under Board policy is to begin if the need for leave is foreseeable, e.g. an expected birth, placement or adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. When requesting partial or intermittent leave in connection with child birth or adoption, the employee must provide notice, at least as much notice as the District requires for taking other non-emergency or non-medical leave as well as a definite schedule for the leave. Where advance notice is not practicable due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practicable. Employees must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave.

When planning medical treatment, the employee should consult with the District and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the employee's health care provider. Employees are ordinarily expected to consult with the District in order to work out a treatment schedule which best suits the needs of both the District and the employee.

9. WHAT MEDICAL INFORMATION IS REQUIRED?

The District requires that an employee's request for leave to care for the employee's seriously ill spouse, son, daughter or parent, or due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's positions, be supported by certification issued by the health care provider of the employee or the employee's ill family member. The District reserves the right to certify all information permitted by law. An employee's failure to make timely and responsive certification may result in denial of the leave requested.

Ronald Bier, District Administrator
August 2, 2004