

## **SCHOOL DISTRICT OF NEW LONDON**

### **ADMINISTRATIVE GUIDELINE 532.31 - FAMILY AND MEDICAL LEAVE**

- A. To be eligible for leave under federal law, an employee must have been employed by the District for at least twelve months, must 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, the employee must have been employed for more than 52 consecutive weeks and have been paid for at least 1,000 hours in the 52 weeks immediately preceding the request for leave. The kind and amount of leave available under this policy, as well as an employee's rights during leave, depend on whether the employee meets the above requirements.
- B. The District provides family and medical leave for eligible employees under the following circumstances:
  - 1. For the birth of the eligible employee's child and to care for a newborn child;
  - 2. For placement with the eligible employee of a child for adoption or foster care;
  - 3. To care for an eligible employee's spouse, child, or parent with a serious health condition.
  - 4. Because of a serious health condition that makes the eligible employee unable to perform any of the essential functions of the employee's job.
- C. If leave is requested due to an employee's own serious health condition or the serious health condition of an employee's spouse, child, or parent, the District requires that the leave request be supported by certification issued by the health care provider or the health care provider of the employee's spouse, child or parent. The District reserves the right to certify all information permitted by law. Failure to provide the District with timely and responsive certification from a health care provider within fifteen (15) days of the District's request for certification may result in denial of the leave.
- D. In conjunction with the certification provided by a health care provider, the District reserves the right to determine whether an illness, injury, impairment, or physical or mental condition constitutes a serious health condition entitling you to family or medical leave under state or federal law. In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care: admission to hospital, hospice or residential medical care facility, including any period incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment: a period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  - a. Treatment two or more times a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider.
  - b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy: any period of incapacity due to pregnancy, or for prenatal care.
4. Chronic Conditions Requiring Treatments: a chronic condition which:
  - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and,
  - c. May cause episodic rather than continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
5. Permanent/Long-Term Conditions Requiring Supervision: a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or employee's family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or terminal stages of a disease.
6. Multiple Treatments (Non-Chronic Condition): any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy) or kidney disease (dialysis).

- E. Under federal law, if an employee meets the eligibility requirements in Section A, an employee is entitled to a total of twelve work weeks of leave during a twelve month period for any of the reasons stated in Section B. The twelve-month period utilized by the District in applying this policy is defined as the calendar year. The District will treat use of family or medical leave under this policy as simultaneous use of state and federal leave entitlements whenever permitted by law. Under state law, if an employee meets the eligibility requirements in Section A, an employee is entitled to:
1. A total of six weeks of leave for the birth of an employee's natural child and/or the placement of a child with the employee for, or as a precondition to, adoption;
  2. A total of two weeks of leave to care for a covered family member with a serious health condition; and,
  3. A total of two weeks of leave if an employee cannot perform his/her employment duties due to a serious health condition, as described in Section B.
- F. Leave available under this policy may be taken in full, and, under certain circumstances, 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).
- G. Compensation.
1. Generally, leave taken under this policy is unpaid. However, for leaves governed exclusively by federal law, an employee must 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.
  2. For leaves governed exclusively by federal law, the District reserves the right to require employees to use paid leave for leave that would otherwise be unpaid FMLA leave taken under this policy. However, employees may not substitute paid sick leave or paid medical leave for leave taken under this policy in any situation where the District would not normally provide such paid leave.
  3. For leaves governed by state law, employees may substitute paid or unpaid leave which he/she has earned and accrued for leave taken

under this policy, if available. The District reserves the right to deny substitution as permitted by law.

H. Continuation of benefits:

1. An employee will remain eligible for group health insurance benefits under the District's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if an employee had been actively employed during the entire leave. However, an employee has the option of choosing not to retain such coverage during family or medical leave if he/she prefers.
2. During leave taken under this policy, the District will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. Employees are responsible for paying his/her portion of health insurance premiums regardless of whether the family and medical leave is paid or unpaid. It is the responsibility of the employee to make arrangements with the District Payroll Clerk for making premium payments for group health insurance during leaves.
3. To the extent permitted by law, the District reserves the right to require an employee to place up to eight weeks' health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty days late.
4. An employee's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the District's policy regarding provision of such benefits when an employee is on other forms of leave.

I. To the extent required by law, when an employee returns from family or medical leave, he/she will be returned to the same position he/she held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. This policy does not entitle he/she to any right, benefit, or position of employment other than those to which he/she would have been entitled had he/she not taken leave. The District reserves all rights concerning restoration of equipment or denial of same under state or federal law.

J. Required advance notice.

1. An employee must provide the District with notice in a reasonable and practicable manner before leave taken under this 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 an employee's own serious health condition or that of a family member. When requesting partial or intermittent leave in connection with child birth or adoption, the employee must provide at least as much notice as required for taking other non-emergency or non-medical leave, as

well as a definite schedule for consideration. Where advance notice is not practicable due to uncertainty as to when leave will be requested to begin, a change in circumstances, or medical emergency, notice must be given as soon as practicable.

2. An employee must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a completed application form.
3. When planning medical treatment, an 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 health care provider. An employee is ordinarily expected to consult with the District in order to work out a treatment schedule which best suits the employee's needs, as well as the District's.

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CROSS-REFERENCE: Policy 523.31 Family and Medical Leave

LEGAL REFERENCE: