

FAMILY AND MEDICAL LEAVE ACT

Consistent with the federal Family and Medical Leave Act of 1993 (“FMLA”), the Board of Education recognizes the right of eligible employees to take up to twelve (12) weeks of unpaid leave during any twelve (12) month period for certain family and medical reasons (“Basic FMLA Leave”), and to take up to 26 weeks of unpaid leave in a single 12-month period to care for a military covered servicemember who has a serious injury or illness that was incurred in the line of duty (“Military Caregiver FMLA Leave”). Any such leave shall be provided in accordance with FMLA, applicable District policies and collective bargaining agreements.

In order to be eligible for leave under FMLA, a District employee must (a) have worked for the District for at least 12 months, (b) have worked at least 1,250 hours in the immediately preceding 12 months, and (c) be employed at a worksite where at least 50 employees are employed by the District within a 75 mile radius of that worksite.

Eligible employees must be taking Basic FMLA Leave for one of the following reasons:

- (a) For the birth of the employee’s child, to care for the child after birth or for placement with the employee of a child for adoption or foster care;
- (b) To care for a spouse, partner, child or parent with a serious health condition;
- (c) For the serious health condition of the employee that makes the employee unable to perform the functions of his/her job; and
- (d) For specific qualifying exigencies arising when an employee’s spouse, partner, child or parent is on covered active military duty, or is called to covered active military duty.

Eligible employees must be taking Military Caregiver FMLA Leave to care for a covered servicemember (as defined by FMLA) who is the employee’s spouse, partner, child, parent, or other next-of-kin, and who has a serious injury or illness.

When FMLA leave is foreseeable, then at least 30 days prior to the date when the leave is to begin, in accordance with procedures established by the District:

- Teachers and administrators wishing to take leave under FMLA shall notify the Superintendent of his/her request for such leave; and
- All other employees wishing to take leave under FMLA shall notify the Chief Business and Financial Officer of his/her request for such leave.

If such leave is not foreseeable, then notice shall be given as early as is practical.

Under the law, FMLA leave is unpaid. However, FMLA permits employees to choose, or employers to require employees, to use accrued paid leave while taking FMLA leave. Where an employee chooses, or the District requires an employee,

to use accrued paid leave while taking leave under FMLA, such employee must comply with the terms of any applicable collective bargaining agreement or other applicable paid leave policy.

The District shall maintain group health insurance coverage for any employee on FMLA leave, whenever such insurance was provided before the leave was taken, on the same terms as if the employee had continued to work. If necessary, arrangements will be made for employees to pay their share of insurance premiums while on leave.

Except as otherwise provided by FMLA, an employee who takes leave under FMLA will be able to return to the same job or a job with equivalent pay, benefits and other employment terms. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of such leave.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of FMLA, including information concerning enforcement of the law. A copy of this Board Policy and corresponding administrative regulations shall be distributed to current employees and to each new employee upon hire.

Additional guidelines and requirements regarding FMLA are outlined in the Administrative Regulations Handbook.

Ref: 29 U.S.C. §§2601-2654 (the Family and Medical Leave Act of 1993)
29 C.F.R. Part 825

Adoption date: May 18, 2011

9520.20-R

FAMILY AND MEDICAL LEAVE ACT REGULATION

In accordance with the Family and Medical Leave Act of 1993 (“FMLA”), the Bethlehem Central School District (the “District”) will grant to eligible employees up to twelve (12) weeks of unpaid leave during any twelve (12) month period for certain family and medical reasons (“Basic FMLA Leave”), and up to 26 weeks of unpaid leave in a single 12-month period to care for a military covered servicemember who has a serious injury or illness that incurred in the line of duty (“Military Caregiver FMLA Leave”). Any such leave shall be provided in accordance with FMLA, applicable District policies and collective bargaining agreements.