

GENERAL PERSONNEL

I. Family and Medical Leave

Rockford School District No. 205 (“District”) employees may be eligible to receive up to 12 work weeks of unpaid leave for certain family and medical reasons during a calendar year or up to a total of 26 work weeks of unpaid leave for certain military reasons. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or to an equivalent position.

A. Employee Eligibility Criteria:

To be eligible for leave under the Family and Medical Leave Act (FMLA):

- an employee must have been employed by the District for at least 12 months (which need not be consecutive but which must have occurred within the 7 year period preceding the request for the FMLA leave); and
- worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

B. Events Which May Entitle an Employee to FMLA Leave:

FMLA leave may be taken for any one, or for a combination of, the following reasons:

- the birth of an employee’s child or to care for the newborn child;
- the placement of a child with the employee for adoption or foster care or to care for the newly placed child;
- to care for the employee's spouse, child or parent (but not in-law) with a serious health condition;
- the employee’s own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and/or
- the employee’s need to address certain qualifying exigencies related to an eligible military family member’s call to active duty.

- C. Definitions:
1. For the purposes of these guidelines, a “serious health condition” means an illness, injury, impairment or physical or mental condition that involves:
 - 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;
 - b. Continuing treatment by a health care provider and one of the following:
 - A period of incapacity greater than three (3) calendar days and that includes two or more treatments by a health care provider or those under the provider’s supervision, or at least one treatment with a regimen of continuing treatment (such as taking prescription medication);
 - Any period of incapacity due to pregnancy;
 - Prenatal care;
 - Any period for chronic serious health conditions (a condition that requires periodic visits for treatment by a health care provider or those under the provider’s supervision; continues over an extended period of time; or may cause episodic incapacity);
 - A period of incapacity which is permanent or long-term for an untreatable condition (e.g., Alzheimer’s);
 - Any period of absence to receive multiple treatments for restorative surgery or a condition in the absence of the treatment would likely result in a period of incapacity for more than three days.
 2. For purposes of these guidelines, a “child” is defined as a biological, adopted or foster child, step-child, legal ward or child to whom the employee is “in loco parentis” provided the child is under 18 years of age. However, FMLA leave may be allowed for a child age 18 or older in the event that the child is incapable of self-care because of a mental or physical disability.
 3. For the purposes of these guidelines as it relates to leave to address qualifying exigencies, the definitions of “military family member” and “qualifying exigencies” are to be used:
 - “Military Family Member” includes the eligible employee’s spouse, son, daughter, or parent who (a) is on active duty or has been called to active duty status in the National Guard or Reserves in support of a contingency operation; (b) is on active duty status in support of a contingency operation as a member

of the Regular Armed Forces; or (c) is retired from the Regular Armed Forces or Reserves and has been called to active duty.

- “Qualifying Exigencies” are those events arising out of a qualifying military family member’s call to active duty and include attending military events (e.g., official ceremonies or programs, or family support/assistance programs or informational briefings); arranging for alternative childcare or addressing school-related issues; addressing certain financial and legal arrangements; attending certain counseling sessions, assisting military member who is on short-term, temporary rest, or recuperation leave during period of deployment; and attending post-deployment reintegration briefings. Qualifying leave under this provision may also include addressing other events which arise out of the covered military member’s active duty or call to active duty status provided that the Company and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

D. How Much FMLA Leave May Be Taken?

1. The 12-Month Period:

An eligible employee is entitled to up to 12 workweeks of unpaid leave during a 12-month period for any FMLA qualifying reason(s). **Beginning July 1, 2010**, the 12-month period is a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

2. Intermittent or Reduced Work Schedule Leave:

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or a newly placed child must be taken all at once and may not be taken intermittently or on a reduced work schedule.

Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the District's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the District may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

3. Instructional Employees – Special Rules

a. Definitions

For the purposes of these guidelines, “instructional employee” means an individual who teaches and instructs students in a class, small group or individual setting:

- “Instructional employees” include teachers, coaches, driving instructors, sign language interpreters and other special education assistants.
- “Instructional employees” do not include counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, teaching assistants and others who do not provide student instruction as their principal job duty.

b. Intermittent Leave

If the medical leave is foreseeable based on planned medical treatment and the employee is scheduled to be off work more than 20% of the working days during the period of medical leave (for an instructional employee working 5 days a week, 20% would be one day), the school may require the employee to choose:

- to take leave of a particular duration not to exceed the duration of the planned leave (the entire period of leave is counted as FMLA leave); or
- to temporarily transfer to another position, so long as such position has equivalent pay and benefits and is a position for which they are qualified. The position also has to better accommodate the employee's intermittent leave.

c. Leave Near the End of a Semester

In an instructional employee begins FMLA leave more than five weeks before the end of a term, the school may require the employee to remain on leave until the end of the term if the requested leave is expected to last at least three weeks and the employee would otherwise return to work during the last three weeks of the term.

If the instructional employee begins FMLA leave during the last five weeks of a term, the school may require the employee to remain on leave until the end of the term if the leave is expected to last more than two weeks and the employee would otherwise return to work during the last two weeks of the term.

If the instructional employee begins FMLA leave during the last three weeks of the term, the school may require the employee to continue taking leave until the end of the term if the leave is expected to last more than five working days.

d. Counting Instructional Employees' FMLA Leave

The District will only count leave time as FMLA leave when the employee would be otherwise working. Similarly, FMLA leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. When FMLA leave entitlement continues beyond the end of the school year, the school must continue to provide the employee with any benefits over the summer vacation that the employee would normally receive if he or she had been working at the end of the school year and not on leave.

e. Returning From Leave to an Equivalent Position

The District's established policies and practices will determine how an employee will be restored to an equivalent position upon return from FMLA leave.

E. Requests for FMLA Leave

Employees should request FMLA leave by completing the District's Request for Leave form. However, the District reserves the right to designate a leave as an FMLA leave under this policy even where the employee has not requested such leave if, in the District's opinion, the reason for which the employee is absent from work is covered by this FMLA policy.

When leave is foreseeable for military exigencies, childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the District with at least 30 days advance notice, or such shorter notice as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave). When the timing of the leave is not foreseeable, the employee must provide the District with notice of the need for leave as soon as practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

F. Required Documentation

1. Medical Certification

An employee will be required to submit a medical certification from a health care provider to support a request for FMLA leave for the employee's or family member's serious health condition.

If the District has reason to doubt the employee's initial certification, it may: (i) with the employee's permission, have a designated health care provider contact the employee's health care provider in an effort to clarify or authenticate the initial certification; and/or (ii) require the employee to obtain a second opinion by an independent District-designated provider at the District's expense. If the initial and second certification differ, the District may, at its expense, require the employee to obtain a third, final and binding certification from a jointly selected health care provider.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

2. Documentation or Statement of Family Relationship

When leave is taken to care for a family member, the District may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

3. Documentation in Support of Military Contingency Leave

Any leave request based on an employee's family member's military duty must be accompanied by a copy of the covered military member's active duty orders and/or other documentation from the military certifying that the covered military member is on active duty (or has been notified of an impending call to active duty) in support of a contingency operation.

4. Recertification Documentation

During FMLA leave, the District may request that the employee provide recertification of a serious health condition and/or military status at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide the District with periodic reports regarding the employee's status and intent to return to work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

G. Use of Paid and Unpaid Leave

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), the employee must use any qualifying paid leave first. "Qualifying paid leave" is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. This includes leave for disability or workers' compensation injury/illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12 workweek leave period.

II. Military Caregiver Leave

In keeping with the provisions of the National Defense Authorization Act for FY 2010, an eligible employee may be entitled to additional leave rights under the

FMLA which relate to the need to care for an ill or injured covered servicemember, or to manage certain personal affairs of the servicemember while she is on active duty, but which differ from the above-noted FMLA policy in the following respects:

- Leave Entitlement – An eligible employee may be entitled to Military Caregiver Leave to care for the employee’s spouse, son, daughter, or parent, or “next of kin” who is a covered servicemember.

- Definitions –

A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, including those on the temporary disability retired list.

A “child” of an eligible employee is the natural born or adopted child irrespective of the age of the “child.”

The “next of kin” of a covered servicemember is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter.

- Triggering Event – The covered servicemember’s injury or illness which arose in the line of duty while on active duty in the Armed Forces provided that such injury or illness renders the covered servicemember medically unfit to perform duties of the member’s office, grade, rank or rating.

The leave entitlement is based on a per-covered-servicemember, per-injury basis. Therefore, an eligible employee may be entitled to more than one 26 workweek leave period to care for different servicemembers or the same servicemember with a subsequent serious injury or illness.

- Duration – An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the ill or injured servicemember.

Leave to care for an ill or injured servicemember may not exceed 26 workweeks when combined with other FMLA-qualifying leave.

- Calculation of Leave – The “single 12-month period” begins on the first day the eligible employee takes FMLA leave and ends 12 months after that date. Thus, the “single 12-month period” is separate from the Authority’s method for calculating leave entitlement for other FMLA-qualifying events. Any part of the 26 workweeks that is not used during the “single 12-month period,” is forfeited.

- “Military Caregiver Leave” runs concurrent with other leave entitlements provided under federal, state and local law, including Family and Medical Leave.

Notwithstanding, when leave qualifies for leave to care for a covered servicemember and for “traditional” FMLA leave, the leave will be designated as leave for a covered servicemember in the first instance. Further, the leave will not be designated as both types of FMLA leave.

LEGAL REF.: Family and Medical Leave Act, 29 U.S.C. §2601 et seq., 29 C.F.R. Part 825.

CROSS REF.: 5.180, 5.250, 5.330

Adopted: July 8, 1997

Revised: March 23, 2010