

5.006.1 Family Leave

Family and Medical Leave Procedure

Policy Statement:

The Representative Council will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (“FMLA”).

Purpose

The purpose of this procedure is to establish guidelines for leaves taken by employees of Cooperative Educational Services pursuant to the Federal Family and Medical Leave Act of 1993 (“FMLA”).

Eligibility

Employees who have worked for Cooperative Educational Services for at least twelve (12) months, and

who have worked at least 1,250 actual work hours during the previous twelve (12) months, **or**

paraprofessionals who have worked at least 950 actual work hours during the previous twelve (12) months,

may take up to twelve (12) weeks of unpaid leave per year for the reasons allowed by the FMLA. For the purpose of this procedure, a year is the twelve month period prior to the date requested leave begins.

Reasons for Leave

Leave under the FMLA may be taken for the following reasons:

- a) the birth and/or care of the employee’s newborn child;
- b) the placement of a child into the employee’s family by adoption or by foster care arrangement;
- c) to care for the employee’s spouse, child or parent who has a serious health condition;
or
- d) to care for the employee’s own serious health condition that renders the employee unable to perform the functions of his or her position.

Types of Leave and Conditions

FMLA leave may be taken on a full-time, intermittent or reduced schedule basis, subject to the conditions set forth below. An eligible employee is entitled to a total of 12 weeks of FMLA leave in a 12-month period. If the employee has to use some of that leave for another reason, including a difficult pregnancy, it may be counted as part of the 12-week FMLA leave entitlement so long as C.E.S. properly notifies the employee in writing of the designation.

Full-time Leave

Full-time leave may be taken for any of the reasons permitted by the FMLA. Full-time leave excuses the employee from work for a continuous period of time. If the leave is for the birth or placement of a child and both spouses are employed by Cooperative Educational Services, the combined leave for both spouses shall not exceed twelve (12) weeks.

Intermittent and Reduced Schedule Leave

Intermittent leave means leave taken in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as needed basis for medical appointments.

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

An employee may take intermittent leave or reduced schedule leave whenever it is medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. If intermittent or reduced schedule leave is medically required, the Executive Director may, in his/her sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

Intermittent leave or reduced schedule leave for the birth, adoption or foster care placement of a child will be permitted only if the employee and the Executive Director mutually agree.

Requests for Leave

Requests for family and medical leaves of absence must be submitted in writing to the Executive Director, at least thirty (30) days' before the leave is to commence, or as soon as practicable if thirty (30) days' notice is not possible due to unforeseen circumstances. For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form. This form may be obtained from the personnel department. Medical certification must be provided by the employee within fifteen (15) days of the request for leave, or as soon as is reasonably possible.

If an employee takes leave for the birth of child and/or to care for the employee's own serious health condition, upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the function of the job. This certification must be submitted to the office of the Associate Executive Director.

Use of Paid Leave

Employees are required to use accrued vacation and personal leave as part of any family or medical leave. Accrued sick leave shall be used whenever the leave is taken because of the employee's serious health condition. The portion of the family and medical leave chargeable to sick leave will be in accordance with the applicable policy or contract.

Medical Insurance and Other Benefits

During approved family and medical leaves of absence Cooperative Educational Services will continue to pay its portion of medical insurance premiums for up to twelve (12) weeks. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse Cooperative Educational Services for payment of medical insurance premiums during the family and medical leave, unless the employee does not return because of a serious health condition that prevent the employee from performing the job or due to other circumstances beyond the employee's control.

During a leave, an employee shall not accrue seniority or other benefits. However, employment benefits accrued by the employee up to the day on which the leave begins will not be lost.

Reinstatement

Except for changed circumstances unrelated to such leave, and employee who returns to work following the expiration of a family and medical leave is entitled to return to the job held prior to the leave or to an equivalent position with the same pay and benefits.

Additional Information

Questions regarding family and medical leave may be directed to the office of the Associate Executive Director.

Definitions

Immediate Family Member – For the purposes of FMLA, an employee's spouse, children (son or daughter), and parents are immediate family members. The term "parent" does not include a parent "in-law". The terms son or daughter do not include individuals age 18 or over unless they are "incapable of self-care" because of a mental or physical disability that limits one or more of the "major life activities" as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the Americans With Disabilities Act (ADA).

Paraprofessional - For the purposes of FMLA, a paraprofessional shall mean an educational instructor or instructional aide.

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