

NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT ADMINISTRATIVE PROCEDURE

No. 5325 P1

FAMILY AND MEDICAL LEAVE

Definition: For the purposes of this policy and procedure, “son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (e.g. in the place of a parent), who is either under age 18 or age 18 and older and incapable of self-care because of a mental or physical disability at the time that the FMLA leave begins.

1. Purpose

North Central ESD (NCESD) provides family and medical leave for eligible employees pursuant to the Family and Medical Leave Act of 1993 (FMLA). Employees of NCESD are eligible to take up to twelve weeks per event year for family and/or medical leave.

2. Eligibility

Employees who have worked for NCESD for a period of at least twelve months and accrued 1,250 hours of service during the twelve-month period before the start date of the leave are eligible for FMLA.

3. Leave Entitlement

An eligible employee may be entitled to take leave under FMLA for the following reasons:

- a. To care for the employee’s newborn or newly-adopted son or daughter or newly-placed foster son or daughter;
- b. To care for a spouse, parent, son or daughter who has a serious health condition;
- c. Because of the employee’s own serious health condition; “serious health condition” generally means an illness, injury, impairment, or condition that involves: inpatient care in a hospital, hospice, or residential medical care facility; a period of incapacity of more than three consecutive days; a period of incapacity due to pregnancy or prenatal care; is chronic; that requires multiple treatments by or under the direction of a health care provider; or a period of incapacity that is permanent or long-term because treatment may not be effective;
- d. Because of a qualifying exigency occurring when the employee’s spouse, son, daughter or parent is a covered member of the Armed Forces and is on covered active duty or has been called to covered active duty; or
- e. To care for a spouse, son, daughter, parent, or next of kin who is a member of the Armed Forces or is a covered veteran and who is undergoing medical treatment, recuperation, or therapy, is on outpatient status, or is on the temporary disability retired list due to a serious injury or illness incurred in the line of duty that may render the person unfit to perform the duties of the member’s office, grade, rank, or rating.
- f. Twenty-six workweeks of leave during a single 12-month period to care for a covered service

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member with a serious injury or illness if the eligible employee is the service members' spouse, son, daughter, parent, or next of kin (military caregiver leave).

4. Conditions

- a. Qualifying Employees are eligible to receive a total of twelve weeks of leave per event year. Personal leave, vacation and sick leave will be deducted concurrently with the FMLA leave. Once leave is exhausted the remaining FMLA leave will be without pay.
- b. NCESD reserves the right to require the employee to take leave in a block when being used for birth, adoption or placement of a foster child. The entitlement to this leave ends twelve months following birth, adoption or placement.
- c. Medical leave may be taken intermittently based upon the health care provider's recommendation and/or the ability of the employee to perform the duties of the job.
- d. NCESD may request the employee on intermittent leave to assume an alternate position if the employee is qualified, the position has equal pay and benefits and the alternate position better accommodates the leave.
- e. Employees who have been granted leave under this policy are generally entitled to return to their former position or a position with equivalent benefits, pay and terms of employment. Reinstatement may be denied in the event of a layoff, reduction in force, shutdown or if a business relocation occurs. Reinstatement may also be denied if the employee was hired for a specific term or only to work on a discrete project and the project or term has concluded. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
- f. Vacation, sick and personal leave will not be accrued during the unpaid duration of the leave.

5. Employee Responsibilities

- a. In the event of the birth, adoption or foster placement, thirty (30) days prior notice will be required when practical.
- b. For medical care, the employee will also be asked to give thirty (30) days prior notification unless medical conditions preclude this from happening. Further, when employees are on a reduced schedule or using intermittent leave to seek medical treatment, they are required to make all reasonable efforts to arrange treatment to not disrupt the normal operation of NCESD.

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Exclusions/Limitations

- a. There are special rules that apply to employees who are principally employed in an instructional capacity who need intermittent or reduced schedule leave or who need leave during the three to five weeks before the end of a term. NCESD will provide more information on these rules upon request.
- b. If the agency employs spouses, the total leave between both cannot exceed twelve weeks in any twelve-month period.
- c. The agency reserves the right to deny extended leave rights to key employees. Key employees are those with salaries in the top ten percent of those employed at NCESD. If that agency chooses to exercise this option, the employee will be notified within seven (7) days of this decision having been rendered.

6. Certification of a Serious Health Condition

- a. When an employee seeks medical leave to care for a family member or address their own health needs, the following certification may be required. Recertification may be requested every 30 days.
- b. The date on which the condition commenced.
- c. Probable duration of the condition.
- d. Medical certification containing sufficient information to establish a serious health condition exists.
- e. When the leave is to care for a family member, an estimate as to the amount of time needed.
- f. In the event employees are not able to return to perform and fulfill their responsibilities, medical verification will be required. NCESD reserves the right to seek a second or third opinion, at its own expense.

7. Health Care Benefits

NCESD will pay the employer portion of the employees' health care premiums during the duration of this FMLA approved leave. If on unpaid leave, the employee will need to make arrangements to pay their portion of the insurance premium to NCESD. However, if the employee does not return from leave for a reason other than continuation or reoccurrence of a serious health condition, the onset of a new serious health care condition or circumstances beyond the control of the employee, NCESD may exercise its right to recover the employer paid premium costs.

Adopted: July 20, 1993

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