

Leaves of Absence

Section 1. General. East Allen County Schools provides the opportunity for employees to take leaves of absence for certain family, medical, and personal issues.

Leaves of absence are not granted for the purpose of obtaining other employment.

Section 2. Family and Medical Leave Act Leave. Family and Medical Leave Act (FMLA) leave is intended to allow eligible employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or a parent who has a serious health condition.

An Eligible Employee is an employee who:

1. Has been employed for at least twelve (12) months; and
2. Has been employed for at least 1,250 hours of service during the twelve-month period immediately preceding the commencement of the leave.

An eligible employee may request FMLA leave for the following reasons:

1. For birth of a son or daughter, and to care for a newborn child;
2. For placement with an employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; or
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

The employee must provide a thirty (30) day notice to the Director of Human Resources if the need for the leave is foreseeable. Failure to provide a thirty (30) day notice for a foreseeable leave may cause the leave to be denied until thirty (30) days after the employee first gave the required notice. If the need for the leave is not foreseeable, the employee must give notice to the Director of Human Resources as soon as possible.

The Director of Human Resources may require the employee to provide medical certification to support the request for any leave based on a serious health condition. The employee must provide the requested medical certification within fifteen (15) calendar days after the request was made. Failure to submit the required medical certification may result in the denial of the leave or continuation of the leave. The Director of Human Resources may require, at the Corporation's expense, additional medical certification to verify the need for the leave. The Director of Human Resources may also require medical recertification at any reasonable interval to support the leave request. Fitness-for-duty certification must be provided prior to an employee's return to

work following a leave for a serious health condition of the employee. The requested certification must be provided within fifteen (15) days of it's request.

An eligible employee is entitled to a total of twelve (12) work weeks of FMLA leave during any twelve-month (12) period. The twelve-month (12) period in which the twelve (12) weeks of FMLA leave entitlement occurs will consist of a rolling twelve-month period measured backward from the date the employee uses any FMLA leave. FMLA leave may be taken "intermittently" or on a reduced leave schedule under certain circumstances approved by the Director of Human Resources. A husband and wife employed by the Corporation are permitted to take only a combined total of twelve (12) weeks of leave during any twelve-month period for the birth of a son or daughter, and to care for a newborn child, for placement with an employee of a son or daughter for adoption or foster care, or to care for the employee's son, daughter, or parent with a serious health condition.

An eligible employee must use his/her available paid vacation, personal, sick or other qualifying leaves in FMLA leave situations. This qualifying leave shall be counted as a part of the teacher's twelve (12) weeks of FMLA leave entitlement. Any qualifying accrued leave must also be used in a FMLA leave situation.

During the FMLA leave, the employee's insurance benefits will continue at the same level as they existed prior to the leave. An employee must continue to pay their share of premiums. If the premiums are changed, the employee must pay the new premium rates. An employee may choose not to retain coverage during FMLA leave, however when an employee returns from FMLA leave, he/she is entitled to be reinstated on the same terms without any qualifications.

The Corporation's obligation to maintain insurance benefits ceases if the employee's premium payment is more than thirty (30) days late. The Corporation may, in certain circumstances, also recover from the employee it's share of the premiums the Corporation paid during a FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement is exhausted.

During the FMLA leave, the employee may be required to provide periodic reports on his/her status and intent to return to work following the leave. The requested information must be provided within fifteen (15) days of their request.

On return from the FMLA leave, an employee is entitled to return to the position the employee held when the leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The Superintendent may deny job restoration to "key employees". A "key employee" is an eligible salaried employee who is among the highest paid ten percent (10%) of all East Allen County Schools' employees.