

MAHOPAC CENTRAL SCHOOL DISTRICT

6551 - 9520.2

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FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act of 1993, as amended ("FMLA"), the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to 12 weeks during a 12-month period. Such 12-month period is based upon a "rolling" twelve (12) month period measured backward from the date of any FMLA leave usage. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least 12 months and have worked at least 1,250 hours during the prior 12 months.

Family leave shall be provided when a son or daughter is born to the employee or one is placed with the employee for adoption or foster care. Family leave shall also be provided to care for a child within one (1) year of birth or placement. Medical leave shall be provided because of any qualifying exigency arising out of the fact the employee's spouse, son, daughter or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status). Medical leave shall further be provided in order for the employee to take care of a spouse, minor child under 18 years old, or parent who has a "serious health condition," as defined by the FMLA, or when the employee has a "serious health condition" rendering him/her unable to perform the functions of the employee's job. Medical leave shall also be provided in order for the employee to take care of an adult child (18 years old or older) who is incapable of self-care due to a disability and has a "serious health condition."

Additionally, an eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single 12- month period to care for of a "covered service military member" who is: (1) Recovering from a service-connected serious illness or injury sustained while on active duty; or (2) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or (3) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for the service member.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable~ at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The District may require a certification from a health care provider if medical leave is requested. When an

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employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Ref: 29 U.S.C. §§2601-2654, the Family and Medical Leave Act of 1993, as amended

29 CFR Part 825

Adoption Date: June 12, 2013

Revised: November 12, 2013