

INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA SCHOOLS

410 LEAVES: FAMILY AND MEDICAL

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to school district employees in accordance with the Family and Medical Leave Act and also with parenting leave under state law.

II. DEFINITIONS

- A. "Active duty" or "call to active duty" means a federal call to active duty as a member of the reserve components (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve) or a retired member of the regular Armed Forces or reserve component in support of a contingency operation. For purposes of this policy, active duty or call to active duty status does not include members of the regular Armed Forces.
- B. "Contingency operation" means a military operation that is designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force or which results in the call or order to, or retention on, active duty of members of the uniformed services under federal law or any other provision of law during a war or during a national emergency declared by the President or Congress.
- C. "Covered military member" means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.
- D. "Covered service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.
- E. "Eligible employee" means an employee who has been employed by the school district for a total of at least 12 months and who has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven years or more may not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military service obligation or a written agreement, including a collective bargaining agreement, exists concerning the school district's intention to rehire the employee after the break in service.
- F. "Next of kin of a covered service member" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of

priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin, and the employee may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

- G. "Qualifying exigency" means a situation where the eligible employee seeks leave for one or more of the following reasons:
1. to address any issues that arise from a short-notice deployment (seven calendar days or less) of a covered military member;
 2. to attend military events and related activities of a covered military member;
 3. to address issues related to childcare and school activities of a covered military member's child;
 4. to address financial and legal arrangements for a covered military member;
 5. to attend counseling provided by someone other than a health care provider for oneself, a covered military member, or his/her child;
 6. to spend up to five days with a covered military member who is on short-term, temporary rest and recuperation leave during a period of deployment;
 7. to attend post-deployment activities related to a covered military member; and
 8. to address other events related to a covered military member that both the employee and school district agree is a qualifying exigency.

III. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the Family and Medical Leave Act of 1993 (FMLA) and consistent with the requirements of the Minnesota Parenting Leave laws.

A. EMPLOYEE LEAVE OF ABSENCE

Eligible employees are entitled to take unpaid leave for a period of up to 12 work weeks in any 12 months for certain family and medical reasons. Employees are eligible if they have worked for the district for at least one year and for 1,250 hours during the 12 month period immediately preceding the commencement of the leave. Unpaid leave shall be granted for any of the following reasons or any combination of the following reasons:

1. medical disability due to childbirth
2. to care for the employee's child during the first year following birth
3. to care for the employee's adopted child or foster child during the first year following placement
4. to care for the employee's child, parent or spouse who has a serious health condition
5. for a serious health condition that makes the employee unable to perform assigned duties
6. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on active duty, or notified of an impending call or order to active duty, in the reserve component of the Armed Forces or a retired member of the regular Armed Forces or reserve component in support of a contingency operation.

Certain kinds of paid leave may be substituted for unpaid leave. If leave qualifies for FMLA leave and leave under state law, the leave used counts against the employee's entitlement under both laws.

CLASSIFICATION OF LEAVES

An employee requesting leave must explain the reasons for the needed leave so as to allow the district to determine that the leave qualifies under the act. An employee giving notice of the need for leave does not need to expressly assert rights under the act or even mention the FMLA to meet the obligation to provide notice, though the individual would need to state a qualifying reason for the needed leave. The employee will need to provide sufficient information to establish an FMLA qualifying reason for the needed leave so that the district is aware of the employee's entitlement. In all circumstances, it is the district's responsibility to designate leave, paid or unpaid, as FMLA qualifying, based on information provided by the employee.

NOTICES REQUIRED BY EMPLOYEES

An employee must provide the district at least 30 days advance notice before FMLA leave is to begin, if the need for the leave is foreseeable, based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days notice is not possible, then verbal notice should be provided to the district within 2 business days of when the need for leave becomes known to the employee. An employee shall provide at least verbal notice sufficient to make the district aware that the employee needs FMLA qualifying leave and the anticipated timing and duration of the leave. As early as practical, the employee must provide written notice setting forth the reasons for the requested leave, the anticipated start of the leave and the anticipated duration of the leave.

An employee must provide the district with a medical certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Second or third opinions may be required at the district's expense.

An employee must provide the district with a fitness for duty report completed by an appropriate health care provider prior to being restored to duty following an absence for a serious health condition.

JOB BENEFITS AND PROTECTION

The district will maintain an employee's medical insurance for the duration of an FMLA leave. If an employee was paying all or part of the premium payments prior to leave, the employee must continue to pay the same premium payments during the leave period.

Upon return from FMLA leave, an employee will be restored to either the former position held by the employee or to an equivalent position with equivalent pay, benefits and other employment terms.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

RECORD KEEPING REQUIREMENTS

The Superintendent or his/her designee shall develop provisions to make, keep and preserve records pertaining to FMLA obligations in accordance with the record keeping requirements of the Fair Labor Standards Act (FLSA) and in accordance with FMLA regulations. The district must keep all FMLA records for no less than 3 years and make them available for inspection, copying and transcription by representatives of the Department of Labor, upon request. Records and documents relating to medical certifications, recertification's or medical histories of an employees or employees' family members shall be maintained in separate files and be treated as confidential medical records.

STATE OF COMPLIANCE

The district shall comply with all provisions of the Family and Medical Leave Act of 1993 and with the related US Department of Labor regulations. The superintendent or his/her designee shall develop appropriate procedures to implement the act and the Department of Labor regulations which govern leaves under the act.

B. LONG-TERM LEAVES OF ABSENCE (NON-MEDICAL LEAVES)

The Board of Education recognizes the benefit of allowing employees to take long-term unpaid leaves of absence for various reasons, consistent with the educational mission of the school district. In determining whether to grant a leave request, the board will comply with collective bargaining and employment agreements, as well as all federal and state laws and regulations.

In making its decision, the board will consider the following factors:

1. Purpose and necessity of the leave of absence
2. Number of other employees currently on leave of absence
3. Timing of the request
4. Impact on other employees
5. Impact on students
6. Duration of the leave of absence
7. History of leaves of absence for employee
8. Availability of suitable replacement
9. Ability and willingness of employee to maintain job skills during the leave of absence
10. Work history of the employee

As a general rule, the board will adhere to the following guidelines:

1. Employees are eligible to be considered for up to 2 years of child care/adoption leaves.
 - a. Births/adoption during school year: Balance of school year plus ~~the~~ one full school year.
 - b. Births/adoption during summer break: ~~The~~ two full school years.
 - c. Child Care/Adoption Leaves are inclusive of any related medical leaves.
2. Other Long-Term Leaves (with the exception of medical leaves) will be no longer than one school year.
3. Long-term (non-medical) leaves will be reviewed annually, with board approval being based on student and district needs.
4. Leaves of Absence will not be granted for the purpose of obtaining employment elsewhere unless the board, in consultation with the Executive Director of Human Resources, determines that doing so is in the best interest of the district and students.

In all cases, the Board of Education will make the final decision on whether to grant a long-

term leave of absence and will retain its discretionary authority to grant such leaves without being constrained by past practice.

All leaves of absence that are of a duration of 20 workdays or greater require board approval, as does the employment of a replacement for an employee on said leave. The Executive Director of Human Resources has the authority to approve leaves of absence of a duration less than 20 workdays, as well as the employment of a replacement for an employee on said leave.

All leave of absence requests must be submitted in writing to the Executive Director of Human Resources at least 30 workdays in advance of the leave unless the leave is for an entire school year, in which case the request needs to be submitted by March 1 of the previous school year. Notice of intent to return to work following an annual leave of absence must be submitted in writing to the Executive Director of Human Resources by March 1 of the year of the leave (failure to do so will result in the district assuming the employee is returning to work as scheduled). The Executive Director of Human Resources has the authority to waive these timelines based on a consideration of all the surrounding facts and circumstances.

C. JURY DUTY

Personnel shall be released from job responsibilities in order to perform jury duty.

On days when jury duty requires only a portion of the work day, the employee shall work the remaining portion of the day.

The compensation of an employee shall not be reduced as a result of jury duty.

Any jury compensation, excluding mileage, meals or lodging, shall be assigned to the district.

D. OTHER

1. The provisions of this policy are intended to comply with applicable law, including the FMLA and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by the FMLA and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
2. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the school district regarding family and medical leaves (if any) shall be followed.

E. DISSEMINATION OF POLICY

This policy shall be conspicuously posted in each school district building in areas accessible to employees.

This policy will be reviewed at least annually for compliance with state and federal law.

School Board Adoption: July 13, 2020

An Equal Opportunity School District