

All employees of the Columbia County Board of Education who have been employed at least 12 months are entitled to up to 12 weeks of leave each year for family and medical reasons as authorized by the Family and Medical Leave Act (FMLA) of 1993. While this Act requires an employee to work at least 1250 hours during the previous 12-month period to qualify for leave, the Columbia County Board of Education will grant FMLA leave to employees who have been employed at least one year and who work enough hours to earn benefits. Any Columbia County employee employed less than 12 months is not entitled to 12 weeks of leave under the FMLA of 1993 and will be eligible to apply for leave only for periods of medical disability resulting from a serious health condition which makes the employee unable to perform the functions of the position. Extended leave beyond 12 work weeks, but no more than one calendar year, may be granted when mandated by a serious health condition that prevents the employee from working as set forth below.

Effective July 1, 2007, and thereafter, the Columbia County Board of Education defines the leave year as a rolling 12-month period measured backward from the date the employee is requesting leave to begin. Any FMLA leave-eligible event that entails at least six or more consecutive days of absence while under the care of a physician who has treated the employee will be designated as FMLA leave. The Board of Education reserves the right to require appropriate medical certification and to designate as FMLA leave any absences which qualify for leave under the Family and Medical Leave Act of 1993.

Employees will be required to use all personal or sick leave before unpaid leave may be utilized, except in the event of the birth of a child when the employee elects to take additional time beyond the medical disability period for bonding or first year care of the child. Sick leave cannot be used beyond the period of medical disability of the employee and such time must be leave without pay. Any eligible leave requested and taken by an employee under this policy will be declared as FMLA leave under provisions as mandated in the Family and Medical Leave Act of 1993. Leave for family and medical reasons do not accumulate if unused. Eligible employees are entitled to a total of 12 work weeks of leave during any leave year as defined above for one or more of the following reasons:

1. Birth of and subsequent care for a child of the employee - option for leave expires when the child reaches one year of age; or
2. Placement of a child with the employee for adoption or foster care - option for leave expires one year from the date of placement or adoption; or

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3. In order to care for the spouse, child or parent of the employee if such family member has a serious health condition which necessitates care by the employee - the child must be under 18 years of age or incapable of self-care because of a mental or handicapping physical disability; or
4. A serious health condition that makes the employee unable to perform the functions of the position of such employee - must be a medical necessity, as elective cosmetic treatments and procedures in general do not qualify; or
5. **Any qualifying need arising from the fact that the employee's military service family member is on active duty or has been notified of an impending deployment in support of a contingency operation. Qualifying needs are defined as short-notice deployment of seven or less calendar days; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation up to five days per instance; post-deployment activities; additional activities where the employer and employee agree that the leave is an exigent need and agree to both timing and duration of the leave.**

Eligible employees absent for a serious health condition immediately prior to the birth of a child will be limited to a combined total of 12 work weeks of FMLA leave related to the employee's serious health condition and/or birth of a child.

During a "single 12-month period," an eligible employee, being the spouse, son, daughter, parent, or next of kin of an injured or ill military service member, is entitled to take up to 26 weeks of Military Caregiver Leave to care for the military service member. The "single 12-month period" begins on the date the employee first takes Military Caregiver Leave and ends 12 months after that date, regardless of the method used to determine the leave entitlement period for other FMLA reasons.

Intermittent or Reduced Schedule Leave

Leave in Categories One and Two (birth of a child or placement for adoption or foster care) may not be taken on an intermittent or reduced schedule basis. However, leave in Categories Three and Four may be taken on an intermittent or a reduced leave schedule when medically necessary. In such cases, medical documentation and certification must also fully describe the medical necessity of the leave and detail the planned medical treatment, the dates on which such treatment is expected to be given, and the duration of such treatment.

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Employees are limited to intermittent or reduced schedule leave only in cases of medical necessity, as distinguished from voluntary treatments and procedures, and it must be that such medical need can best be accommodated through an intermittent or reduced leave schedule. Employees needing intermittent or reduced schedule leave must attempt to schedule their leave so as not to disrupt the operations of the school or department. When employees seek to utilize either intermittent or reduced scheduled leave, they may be required to provide the certification of a serious health condition prior to the accumulation of six consecutive absences.

Return to Work

Employees who request and are granted approved leave under the provisions of this policy shall be restored to the same or equivalent position upon return from leave provided the employee has used 12 work weeks or less of leave time. Employees on leave due to their own serious health condition must present a medical certificate stating they are fully able to perform the job duties before reinstatement. The Columbia County Board of Education reserves the right to assign employees to alternative positions when intermittent or reduced schedule leave is taken so as to be less disruptive to the work pattern or instructional program. The Columbia County Board of Education also reserves the right to require an employee principally employed in an instructional capacity to continue taking leave until the end of the academic term whenever:

1. Leave begins more than five weeks prior to end of term if
 - a. The leave is of at least three weeks duration; and
 - b. The return to employment would occur during the three-week period before the end of such term.
2. Leave begins less than five weeks prior to end of term if
 - a. The leave is greater than two weeks duration; and
 - b. The return to employment would occur during the two-week period before the end of such term.
3. Leave begins less than three weeks prior to end of term if the leave is greater than five working days.

Extended Leave

Employees who require more than the allowed 12 work weeks of leave may apply for an extended leave for serious health conditions by providing, the appropriate, updated medical certification. Extended leave is not FMLA leave but is leave afforded by the Columbia County Board of Education and governed solely by the rules defined in this section.

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Employees who require more than the 12 work weeks of leave for allowable serious health conditions will be placed on extended leave which shall not extend more than one calendar year.

Extended leave shall continue until the employee presents the appropriate doctor's certification clearing the return to work and an equivalent or alternative position becomes available, the employee declines the first available equivalent position offered, the employee resigns, or the one calendar year leave period expires. An employee on extended leave will be offered the next available equivalent position such as the employee held prior to leave as determined by the Columbia County Board of Education. The employee must notify the Human Resources Department in writing of the intent to return to work and the appropriate doctor's certification clearing the employee to return to full duty must accompany the written request to return to work. Failure to accept the first offered position negates the Board of Education obligation to return the employee to work. Such refusal of the available equivalent position will be considered as a resignation of employment. Extended leave for serious health conditions of employees may not extend more than one calendar year from the beginning of FMLA leave.

Employee Responsibility

Except in cases of emergency, employees who plan to be absent six or more days for an FMLA eligible reason must submit the required FMLA request form and the completed form, "Certification of Physician or Practitioner", at least 30 days prior to the first day of leave. In the event of an emergency, the paperwork must be submitted no later than five days after the leave begins unless there are extenuating circumstances. Failure to comply with the requirements of this policy may be grounds for denial of the leave request and/or termination of employment. Employees absent from work under the auspices of this policy and who fail to provide the required documentation to request the leave be approved prior to or immediately after the leave begins may be terminated for abandonment of job. It is the employee's responsibility to secure and present all required documents to request leave. It is the expectation of the Columbia County Board of Education that employees on approved leave are unable to work due to circumstances documented through the request for family and medical leave, and such employees who accept or perform other work during such leave may be required to provide additional medical certification and/or a second opinion by a health care provider selected by the Board in connection with the secondary employment.

Continuation of Benefits

During approved FMLA leave periods, the employee is eligible for all benefits which the employee would be eligible for as an active employee. If benefit plans are established or changed during an employee's leave period, entitlement to benefits starts at the same point as if the employee were still on the job. The Columbia County Board of Education will continue to make employer contributions to benefits during the employee's absence in cases where required to do so. Whenever the employee is on approved leave without pay, the employee will be notified by the Columbia County School System Business Department of the procedures for making the employee payment required to continue benefits. The Columbia County Board of Education reserves the right to recoup the employer paid contribution to benefit plans from the employee whenever the employee fails to return to work at the end of the eligible leave period as allowed by law.

Certification of Serious Health Condition

Employees will be required to provide a certificate issued by the health care provider of the eligible employee or the child, spouse or parent of the employee. The Columbia County Board of Education will require the use of the Columbia County Board of Education developed "Certification of Physician or Practitioner" form. To be sufficient, the certification of the serious health condition must state the following:

1. The date on which the serious health condition commenced;
2. The probable duration of the condition;
3. The anticipated ending date of the disability;
4. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- 5a. For purposes of leave to care for family members with a serious health condition, a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed to care for the family member;
- 5b. For purposes of leave due to serious health condition of the employee, a statement that the employee is unable to perform the functions of the position of the employee;
6. In the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;
7. In the case of certification for intermittent leave or leave on a reduced leave schedule, under leave due to the employee's serious health condition, a statement of medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and
8. In the case of certification for intermittent leave or leave on a reduced leave schedule, for care of a family

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member with a serious health condition, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

Second and Third Opinions

The Columbia County Board of Education reserves the right to require, at Board of Education expense, the eligible employee to obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified by the health care provided on the physician's certificate.

In any case in which the second opinion differs from the opinion of the original certification, the Columbia County Board of Education may require that, at Board of Education expense, the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified by the health care provider on the physician's certificate.

The opinion of the third health care provider concerning the information certified shall be considered to be final and shall be binding on the employer and the employee.

Husband and Wife Both Employed by System

When a husband and wife are both employed by the Columbia County Board of Education and are eligible for FMLA leave, the aggregate number of work weeks of leave to which both may be entitled will be limited to 12 work weeks if such leave is taken for the birth or first year care of a child, or the adoption or foster care placement of a child. **The aggregate number of work weeks of leave to which both may be entitled will be limited to 26 weeks if such leave is taken for Military Caregiver Leave or a combination of Military Caregiver Leave and leave taken for other FMLA reasons.**

Definitions

For clarity, definitions on many of the terms used in the Family and Medical leave Act of 1993 are adopted by the Columbia County Board of Education for purposes of implementing this policy.

1. Parent - the term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.
2. Son or Daughter - the term "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 who is a) under 18 years of age; or b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.
3. **Employee Family Member - the term "employee family member" means father, mother, dependent child, or spouse of the employee concerned, which necessitates the employee's presence for care.**
 4. Spouse - The term "spouse" means a husband or wife, as the case may be.
 5. Employment Benefits - the term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 [29 U.S.C. 1002(3)].
Health Care Provider - the term "health care provider" means
 - a. a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or
 - b. any other person determined by the Secretary of Labor to be capable of providing health care services.
 6. Instructional Employee - This term is narrowly defined to include only those employees whose principal function is to teach and instruct students, thereby excluding auxiliary personnel such as paraprofessionals.
 7. Serious Health Condition - The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.
 8. Contingency Operation - The term "contingency operation" means a military operation designated by the Secretary of Defense as one in which Armed Forces members are or may be involved in military actions, operations, or hostilities against an enemy of the United States or an opposing military force, or a military operation that results in the call or order to, or retention on, active duty as defined in FMLA Regulation.

Public Law 103-3 Family and Medical Leave Act of 1993

PROCEDURE: YES

ADOPTED: 11/14/89

REVISED: 9/14/93, 10/01/97, 8/10/99, 3/13/07

Columbia County Board of Education