

BLOOMFIELD PUBLIC SCHOOLS
Bloomfield, Connecticut

BOARD POLICY

No. 4152.6(a)
4252.6

RE: Family and Medical Leave Act
Personnel – Certified/Non-Certified

Approved: 5/12/2009
Revised: 11/10/2015

Purpose

The purpose of this policy is to establish guidelines for leaves taken by employees of the Bloomfield Board of Education under the Federal Family and Medical Leave Act of 1993 (“FMLA”), as amended and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 and 2013 Final Rules.

Eligibility

Employees who have worked for the Board for at least twelve (12) months, and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least 950 hours over the previous twelve month period preceding the commencement of the leave. A paraprofessional is defined as a school employee who performs duties that are instructional in nature or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services.

Reasons for Leave

Leaves under the FMLA may be taken for the following reasons:

- the birth and/or care of the employee’s newborn child; or
- the placement of a child with the employee by adoption or for foster care; or
- to care for the employee’s spouse, child or parent who has a serious health condition; or
- to care for the employee’s own serious health condition that renders the employee unable to perform the functions of his or her position.
- to care for a member of the military injured in the line of duty who is the employee’s spouse, child, parent or next of kin; or
- to attend to affairs while a family member who is a member of the Reserves or the National Guard is deployed in a contingency operation.

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Requests for Leave (continued)

If possible, employees must submit their requests for a family or medical leave at least thirty (30) days before leave is to commence. If thirty (30) days' notice is not possible, requests must be submitted as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed Certification of Health Care Provider for Employee's Serious Health Condition" form or "Certification of Health Care Provider for Employee's Family Member's Serious Health Condition" form before the leave begins if possible. If such advance certification is not possible, the medical certification must be provided by the employee within fifteen (15) calendar days of the employer's request for the medical certification.

If an employee takes leave to care for his or her own serious health condition, he/she will not be allowed to return to work until he/she provides medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the essential functions of the job.

For leaves taken to care for a member of the military injured while on active duty, the employee must submit a "Certification for Serious Injury or Illness of Covered Service member for Military Family Leave" form. An employee seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If 30 days advance notice is not practicable, the employee must provide notice as soon as practicable — generally, either the same or next business day.

For leaves taken to manage the affairs of a member of the National Guard or Reserves called to active duty, the employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

Types of Leave and Conditions

Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time.

An employee may take intermittent leave in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as-needed basis for medical appointments.

An employee may take leave on a reduced schedule. Reduced schedule leave reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

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Full-Time, Intermittent and Reduced Schedule Leave (continued)

An employee may take full-time, intermittent or reduced schedule leave whenever it is medically necessary for a serious health condition of the eligible employee, his or her spouse, child or parent or, in the case of a member of the military injured while on active duty, the employee's next of kin.

Intermittent leave or reduced schedule leave for other FMLA reasons will be permitted only with the approval of the Superintendent or his/her designee.

An employee may take full-time unpaid leave for any of the reasons permitted by the FMLA.

If intermittent or reduced schedule leave is medically required the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave. Also, the Board may require special arrangements of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period).

Both Spouses Working for the Same Employer

If both spouses are employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, to care for a seriously ill parent, or to manage the affairs of a member of the National Guard or Reserves called to active duty, they will be entitled only to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouses serious health condition in the 12-month entitlement periods.

If both spouses are employees of the Board and request leave to care for a member of the military injured while on active duty, they will be entitled only to a maximum combined total leave equal to twenty-six weeks in the 12 month period from the date the first spouse's leave commences. If either spouse (or both) uses a portion of the total 26-week entitlement to care for a member of the military injured while on active duty, each is entitled to the difference between the amount he or she has taken individually and the 26 weeks for FMLA leave for this purpose.

Leave Taken by Instructional Employees near the End of an Academic Term

If an instructional employee takes any type of an approved FMLA leave that begins more than five (5) weeks before the end of an academic term, the Board may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

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Leave Taken by Instructional Employees near the End of an Academic Term (continued)

If the employee begins an approved FMLA leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins an approved FMLA leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition, the Board may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

Length of Leave

If a leave is requested for one the FMLA-eligible reasons other than to care for an injured service member, each eligible employee may take up to a total of twelve (12) weeks unpaid family or medical leave in any 12-month entitlement period. Each eligible employee may take up to twenty-six (26) weeks of unpaid family or medical leave in any 12-month entitlement period to care for a member of military injured in the line of duty who is the employee's spouse, child, parent or next of kin.

The 12-month entitlement period for family or medical leave other than for the purpose of caring for a member of the military is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. For leaves taken for the purpose of caring for a member of the military injured in the line of duty, the 12-month period must be calculated from the date that the employee first takes leave. In addition, employees who are eligible to take leave to care for a member of the military injured in the line of duty may take multiple leaves to care for different service members, as long as the total amount of leave taken during the designed 12-month period is twenty-six (26) weeks or less.

Use of Paid Leave

The Board requires that accrued paid personal leave and accrued paid vacation leave be substituted (in that order) for any unpaid portions of FMLA leave taken for any reason. However, where the FMLA leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of the employee's leave days prior to the substitution of accrued paid personal and accrued paid vacation leave, except as otherwise required by law. Once the employee has exhausted paid substituted leave, the balance of his/her FMLA leave shall be unpaid.

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Medical Insurance and Other Benefits

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay his/her share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue seniority, pension benefits, sick, personal or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board Policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under Board's attendance policy.

Reinstatement

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

MEDICAL LEAVE FORMS ARE AVAILABLE IN HUMAN RESOURCES

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Final Rule – published in Federal Register, Vol. 78, Wed. February 6, 2013.

Connecticut General Statutes

46b-3800 Applicability of statutes to civil unions and parties to a civil union.

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Family and Medical Leave Act (continued)

Legal References: Connecticut General Statutes (continued)

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees

United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)