

## AR GCC/GDC-R Staff Leaves and Absences

Issued ~~4/17~~ 00/21

### Procedures Regarding Absences

Employees will notify their immediate supervisor prior to calling the automated absence system when it is necessary for him/her to be absent.

An absent employee must furnish an absence certification report setting forth the specific reason(s) for his/her absence. ~~The statement must be turned in~~ to the employee's supervisor within two days after the employee returns to work.

~~An employee will notify his/her immediate supervisor as early as practicable when it is necessary for him/her to be absent. When an employee knows that he/she will be absent for a period longer than five days, he/she should complete and file a request for leave of absence will be encouraged to apply for leave under the Family and Medical Leave Act (FMLA). When the FMLA leave is foreseeable, the employee must notify the district of his/her request for leave at least 30 days before the date the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical.~~

~~An employee who anticipates taking an extended leave of absence should submit the request for leave to his/her supervisor at least 30 calendar days prior to the effective date of the leave. The leave request must include medical or legal documentation to support the request and an indication of the anticipated length of absence.~~

~~Any employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to a normal work schedule.~~

~~When an employee knows that he/she will be absent for a period longer than 30 days, he/she should request, in writing, a leave of absence. The leave request must include medical or legal documentation to support the request and an indication of the anticipated length of the absence. When the employee makes a request in writing, the superintendent or his designee may grant an employee leave without pay for personal illness following the exhaustion of all accrued sick leave and following the use of FMLA, if applicable. Leave with and without pay will not exceed 10 months in any year.~~

~~An employee returning from an extended leave of absence must present a statement from the attending physician certifying the employee's ability to return to work, without restrictions, to a normal work schedule.~~

### Verification and Use of Sick Leave

The use of sick leave may be subject to verification. Specifically, the district reserves the right to require that an employee submit a doctor's statement verifying an illness along with an absence.

If an employee's use of sick leave forms a pattern and abuse is suspected, the principal/ supervisor may also require a doctor's statement.

In order for the district to provide for the continuity of the educational programs and plan for adequate substitutes, an employee who is absent for more than five continuous work-days must provide a physician's statement of diagnosis and prognosis so that the district may determine the earliest possible date of return. The employee's immediate supervisor will notify him/her in writing that he/she must provide the physician's statement.

If the employee does not provide the physician's statement within five workdays following the written notification, the district may consider termination of his/her employment.

Employees seeking an advance of leave should submit a written request to the division office of human resource services, along with accompanying physician's documentation. Once a decision has been written made, days will be advanced within the regular payroll cycle. Handwritten checks will be rarely approved. Therefore, advanced and adequate notice is necessary.

### Family and Medical Leave Act (FMLA)

The following administrative rules apply only to the Family and Medical Leave Act.

#### Eligibility

An employee who has worked for the district for at least 12 months is eligible for 12 work weeks of FMLA leave during a 12-month period provided the employee worked at least 1,250 hours in the 12 months preceding the beginning of the leave.

GCC/GDC-R

Formatted: Right: 0.18"

For purposes of FMLA leave, a 12-month period is the district's fiscal year, July 1st through June 30th. The 12 months of employment need not be consecutive months.

### Types of Leave

An eligible employee may take FMLA leave for the following:

- birth and first-year care of a child
- adoption or foster placement of a child
- serious illness of an employee's spouse, parent, or child
- employee's own serious health condition that keeps the employee from performing the essential functions of his/her job
- a family member being called to active military duty or recovering from a serious illness or injury sustained in the line of duty while on active duty

A serious health condition is one involving continuous treatment by a healthcare provider that results in a period of incapacity of more than three consecutive calendar days and involves extensive treatment. Such conditions as asthma and diabetes are included in this definition.

An employee may elect, or the district may require, an employee to use illness in family leave for purposes of a family leave. An employee may elect, or the district may require an employee to use accrued vacation or medical/sick leave for purposes of a medical leave. An employee cannot compel the district to permit the employee to use accrued medical/sick leave in any situation under which the leave could not normally be used.

### Spouses employed by the school district

If a husband and wife eligible for leave are employed by this school district, their combined amount of leave for birth, adoption, foster care placement, and parental illness may be limited to 12 weeks. An employee may not take FMLA leave to care for ~~parent~~ mother or father-in-law.

### Intermittent and reduced leave

Reduced leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child, or parent. Such leave may not be used for the birth or adoption/placement of a child.

The employee who wishes to use intermittent or reduced leave must have the prior approval of the district. Although the district and employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The district may provide such leave for medical leave, but the district may transfer the employee to a position that is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the district with the expected dates of the planned medical treatment and the duration of the treatment. The superintendent must authorize such leave in writing.

### Benefits

The district will maintain the employee's health coverage under the district's group health insurance plan during the period of FMLA leave. The employee should make arrangements with the district to pay the employee's share of health insurance (e.g., family coverage prior to the beginning of the FMLA leave).

Increases in premiums or deductibles that apply to active employees also apply to employees on FMLA leave. An ~~employee-employer~~ may drop coverage for an employee whose premium payment is late only after providing written notice to the employee that the payment has not been received. This notice must be mailed to the employee at least 15 days before coverage is to end and will advise that coverage will be dropped 15 days after the date of the letter unless payment has been received.

The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits, and pensions.

### Notice

When the FMLA leave is foreseeable, the employee must notify the district of his/her request for leave at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the district's operations.

The district may deny the leave if the employee does not meet the notice requirements.

#### Designation of leave as FMLA leave

The district must designate the leave as paid or unpaid FMLA leave within one business day of learning that a FMLA reason supports the leave. The district must also provide other written information concerning the employee's rights and obligations under FMLA. If the district does not make the designation on time or provide appropriate information, the absence will not count against the employee's FMLA entitlement.

#### Certification

The district may require the employee to provide certification from a healthcare provider containing specific information required under the law if he/she requests a medical leave. If there is a question concerning the validity of such certification, a second and if necessary, a third opinion can be required, both at the expense of the district.

Upon the employee's return to work, the district will require that the employee present a fitness statement from the employee's healthcare provider certifying that the employee is able to return to work.

#### Restoration

When the employee returns from leave, the district will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms, and conditions of employment in accordance with board policy. The employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the job. An equivalent position is one that is the same or substantially similar in duties, responsibilities, conditions, privileges, and status as the original position.

Under certain circumstances, the district may deny restoration to a key employee. The district will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10 percent of the employees and whose absence would cause the district to experience a substantial and grievous economic injury.

#### Instructional employees

Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group of an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include ~~teacher assistants instructional assistants or aides~~ who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, ~~or bus drivers, or bus aides~~.

Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is to care for a family member or for the employee's own serious health condition and the leave is foreseeable based on planned medical treatment and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, then the district may require the employee to choose one of the following:

- take the leave for a period or periods of a particular duration, not greater than the duration of the planned
- treatment transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position

Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position.

Limitations also apply to instructional employees who take leave near the end of a semester. When an instructional employee begins leave more than five weeks before the end of a semester, these conditions apply:

- the leave will last at least three weeks
- the employee would return to work during the three-week period before the end of the semester

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of the semester, the district may require the employee to continue taking leave until the end of the semester under these conditions.

- the leave will last more than two weeks
- the employee would return to work during the two-week period before the end of the semester

When an instructional employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a semester and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the semester.

Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively, rather than intermittently. Summer and other vacations may not be counted against an employee's FMLA leave entitlement. An instructional employee on FMLA leave at the end of the school year must receive normal benefits over the summer vacation.

**Failure to return**

The district is entitled to recover healthcare premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence or onset of a serious health condition or due to circumstances beyond the control of the employee.

Issued 6/01; Revised 12/9/08, 4/25/17, 00/00/21

**Richland County School District One**