



Statement of Policy

NO.: 0818.10

TITLE: Family Medical Leave Policy

DATE ADOPTED/REVISED: June 16, 2004

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FAMILY MEDICAL LEAVE POLICY

The Chester County Intermediate Unit will comply with all of the requirements of the Family Medical Leave Act of 1993, including the requirements as outlined below. Eligible employees may request an unpaid leave of absence for up to twelve weeks during a twelve month period for the birth, adoption, or placement in foster care of a child; for the care of a spouse, child, or parent with a serious health condition; or because a serious health condition of the employee makes the employee unable to perform the functions of his or her job. The twelve month period for each employee shall be determined by the date on which the leave commences and measured forward for a period of twelve months.

Provisions for leave covered by the FMLA which are available to employees through other means, such as collective bargaining agreements, CCIU Board policy, Pennsylvania School Code, state or federal statutes, or employee handbooks, shall continue in effect, unless changed by the Board, the governing body, or the collective bargaining process.

Eligibility

To be eligible for family medical leave, an employee must meet the following criterion:

- (1) The employee must have been employed by the CCIU for at least twelve months;
- (2) The employee must have been employed by CCIU for at least 1,250 hours of service during the twelve-month period immediately prior to the beginning of the leave.

Employees who do not meet the criterion stated above are not eligible for leave under the FMLA; however, they may remain eligible for an unpaid leave of absence under other conditions of employment.

Employees who are determined to be "key employees" (defined as being among the highest paid ten percent of employees and whose prolonged absence could cause substantial and grievous economic injury to operations) may be subject to denial and/or curtailment of leave under FMLA.

Leave for Birth, Adoption or Placement in Foster Care of a Child

Leave for birth, adoption or placement in foster care of a child may be requested under the following conditions:

- (1) The request for leave must be submitted at least thirty days prior to the date the leave is to begin under normal circumstances, or as soon as practical in unusual circumstances.
- (2) The leave may begin before the birth or placement of a child, but may not be taken more than twelve months after it unless state law allows.



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- (3) A husband and wife employed by CCIU are limited to a combined total of twelve weeks leave for the birth, adoption or placement in foster care of a child.
- (4) Employees who, on the advice of their physician, are temporarily physically disabled due to the birth of a child, and who are subsequently eligible for sick and/or disability pay, shall have that time counted as part of the family medical leave, and not an addition to it.
- (5) Employees may not take intermittent leave (leave taken in separate periods of time rather than continuously) for purposes of birth, adoption or placement in foster care of a child.

Leave for a Serious Health Condition

Family medical leave may also be taken to care for the employee's spouse, child or parent (not parent-in-law) with a serious health condition, or because the employee's serious health condition makes the employee unable to fulfill the functions of his or her position. A serious health condition is an illness, injury, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice or residential care facility; or (2) continuing treatment by a health care provider. Health care providers include doctors of medicine or osteopathy authorized to practice medicine or surgery in the state in which they practice; podiatrists, dentists, clinical psychologists, optometrists, and for certain treatment involving the manipulation of the spine, chiropractors performing within the scope of their practice as authorized and defined by state law.

Leaves for serious health condition may be granted under the FMLA with the following conditions:

- (1) Where leave for a serious health condition is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Intermediate Unit. Moreover, the employee must provide thirty days' notice if practical, or if treatment requires the leave to begin in less than thirty days, such notice as is practical.
- (2) An employee may request the use of intermittent leave or a reduced leave schedule for a serious health condition when this is medically necessary.
- (3) An employee requesting leave based on a serious medical condition must submit certification from the appropriate health provider to support the request. Where the Board and administration have reason to doubt the validity of the medical certification, they may require the employee to obtain a second opinion, at the employer's expense, from a health care provider designated by the Intermediate Unit, who is not regularly used by the organization. If the opinions of the two health care providers differ, the Intermediate Unit may require the employee to obtain certification from a third health care provider, who is to be approved jointly by the employer and the employee, and whose opinion is binding. The Intermediate Unit will pay the cost for the third medical evaluation.



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- (4) When an employee takes family medical leave because of the employee's own serious health condition, prior to a return to work, he or she must present certification from the health care provider that he or she is able to resume work.

Special Rules for Instructional Employees

"Instructional staff" are defined as employees whose principal function is to teach and instruct students in a class, small group or individual setting. (Instructional staff includes classroom teachers, speech and language therapists, hearing therapists, special subject teachers, interpreters and driver education teachers.) These special rules are:

- (1) If an eligible instructional employee requests intermittent leave or leave on a reduced schedule based on foreseeable planned medical treatment, and if the employee would be on leave for more than 20 percent of the time, then the Intermediate Unit may require the employee to choose either: (a) to take leave for a period or periods not greater than the planned treatment; or (b) to 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.
- (2) For all types of family medical leave, the Board may require an instructional employee to continue his or her leave until the end of a term (semester) if:
 - a) The leave begins more than five weeks before the term's end, will last at least three weeks, and the employee would return to work within three weeks of the end of the term;
 - b) The leave is for a purpose other than the employee's own serious health condition, begins during the five-week period before semester's end, will last more than two weeks, and the employee would return during the two-week period before the end of a term; or
 - c) The leave is for a purpose other than the employee's own serious health condition, begins during the three-week period before the end of a term, and will last more than five days.

In these situations, the entire period of absence shall count as family medical leave. However, if the annual family medical leave entitlement of an employee who is required to take family medical leave until the end of a term ends before the end of the term, the Board will continue health benefits until the leave ends.



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Benefits under Family Medical Leave

Benefits under family medical leave are:

- (1) Up to twelve weeks of Board paid medical coverage;
- (2) Continued accrual of seniority for professional employees as defined in Section 1125.1 of the Public School Code;
- (3) The right to return to the position held before the leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms or conditions of employment.

EXCEPTION: Key employees who are on family medical leave may be required to return to work before the end of an approved family medical leave if the Board determines it will cause substantial and grievous economic injury to the organization. If the employee fails to return from the leave in a reasonable amount of time, the Board may deny reinstatement at the end of the leave.

Reference: Policy #0918.10
Family Medical Leave Act of 1993

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Review and Readoption: June 23, 1999

Review and Readoption: June 16, 2004