

G-33 FAMILY AND MEDICAL LEAVE

The Opelika City Board of Education (hereinafter “Board”) complies with the federal Family and Medical Leave Act (P.L. 103-3), herein referred to as the Act.

The Act applies to all Board employees who have been employed by the Board for at least twelve (12) months and who worked for at least 1,250 hours during that twelve (12) month period. Under the Act, an eligible employee is entitled to twelve (12) weeks of unpaid leave during a twelve (12) month period for the following reasons:

- The birth and first year care of a child
- The adoption or foster placement of a child
- The care of a “serious health condition”

A “serious health condition” means an illness, injury impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice or residential medical care facility or;
- Continuing treatment by a health care provider of a dependent child, a spouse or a parent as defined by Public Law 03-3

The Board may require that paid leave be taken before granting unpaid leave.

Unpaid leave granted in compliance with the Act, when combined with paid leave available to an employee, shall not exceed a combined total of twelve (12) weeks.

In the instance of birth, adoption and foster placement, the entitlement to leave for childcare expires at the end of the twelve (12) month period beginning on the date of birth or placement. Entitlement for leave associated with illness of a child occurs only where the child is under eighteen (18) years of age or incapable of self-care due to mental or physical disability.

Intermittent Leave

If medically necessary for a serious health condition of the employee or the employee’s spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule subject to certain conditions which pertain to instructional employees; instructional employees are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. The Board may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule provided the

position has equivalent pay and benefits. When instructional employees seek intermittent leave in connection with a family or personal illness and when such leave would constitute at least twenty (20%) percent of the total number of working days in the period during which the leave would extend, the Board may require the employee to take leave in a block (not intermittently) for the entire period or to transfer to an available alternative position with the school system, that is equivalent in pay, for which the employee is qualified and which better accommodates the intermittent situation.

Notification

Except where circumstances are such that reasonable advance planning is not possible, employees must provide the Superintendent at least thirty (30) days written notice of the date when leave is to begin. With respect to foreseeable family or employee illness, the employee shall make reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as not to disrupt unduly the operations of the school district.

Certification

The Board may require that a request for leave based on the serious health condition of the employee, the employee's son, daughter, spouse or parent to be supported by a certification issued by the appropriate health care provider. The certification shall state:

- The date the serious health condition began,
- The probable duration of the condition,
- The necessity for the employee's leave, and
- That the employee is unable to perform the employee's job functions.

The Board reserves the right, at its own expense, to designate a second health care provider (other than a school district employee) to a second opinion. If the first and second opinion conflict, the Board can require, at its own expense, a third opinion by health care provider approved by the Board and the employee. This opinion shall be binding. Upon the employee's

return to work, the Board may require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

Benefits

Benefits accrued by the employee before leave is taken will not be altered by the employee's absence under this policy. The employee is entitled to continuation of health benefits during the leave period under the same conditions these benefits would have been provided if no leave had been taken. If an employee fails to return to work after the leave period expires, the Board may recover the health benefits premiums paid by the employer for the employee's benefits during the leave period.

Restoration

Upon return, the employee is entitled to restoration to an equivalent position with equivalent pay, benefits, and conditions of employment. The Board may deny position restoration to an employee whose salary is in the highest ten (10%) percent of employees employed by the Board if such denial is necessary to prevent substantial and grievous economic injury to the Board's operations.

Because the end of the semester is a critical time for both teachers and students, the following conditions apply to requests from instructional employees seeking to return from leave within the last three weeks of the semester:

1. If the employee begins any category of family and medical leave five (5) or more weeks prior to the end of the semester and the leave is for more than three (3) weeks, the district may require the employee seeking to return within the last three (3) weeks to wait until the next semester.
2. If the employee begins any category of family and medical leave except personal sick leave less than five (5) weeks before the end of the semester and the period of leave is greater than two (2) weeks, the district may require the employee seeking to return within the last two (2) weeks to wait until next semester.

3. If the employee begins any category of family and medical leave except personal sick leave three (3) or fewer weeks before the end of the semester and the period of leave is greater than (5) working days, the district may require the employee to wait until the next semester.

When an instructional employee's leave falls within one (1) of the three (3)

categories above, the required additional leave (for example, the last two (2) weeks of the semester in category one 1) is considered part of the available twelve (12) week unpaid period per year.

ADOPTED: May 11, 2004

LEGAL REF: P.L. 103-3 (Family and Medical Leave Act)