

FAMILY AND MEDICAL LEAVE

Policy

It is the policy of the Canaan School District to provide eligible employees with leave for family or medical reasons consistent with the Federal and Medical Leave Act (FMLA) and/or Vermont's Parental and Family leave Law (VPFL).

Eligibility

Eligible employees are those employees who have worked for the District for at least twelve months and for at least 1,250 hours during the previous twelve months.

The twelve-month period, for purposes of FMLA, is defined by Canaan School District to be the school year (July – June).

Unpaid or paid leave

The leave will be unpaid except for portions that are used for accrued paid vacation, rescheduled time, family or sick leave. Employees have the right to use any amount of accrued paid leave for any part of the 12-week period. Use of paid leave does not extend the overall leave time to which the employee is entitled. An employee may utilize sick leave during or at the end of this leave if he or she qualifies consistent with existing school policy or negotiated agreement. FMLA will be run concurrently with any lost time covered by worker's compensation.

Notice Requirements

Notice of leave by the employee to Canaan School District is required when it is foreseeable. The employee must provide reasonable, that is as soon as practicable, notice of his/her intention to take leave. All leave taken for FMLA qualifying purposes, shall be counted toward the employee's FMLA entitlement. If the necessity for leave is based on planned medical treatment, the employee must provide at least 30 days notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the school, subject to the approval of the employee's health care provider.

The School may notify an eligible employee when it designates time away from work is being taken as Family Medical Leave, however, such notification is not a requirement under the law.

Medical Certification

Certification is required at the outset of a leave for the employee's own serious health condition or that of a family member as covered under the FMLA and the Canaan School District also requires certification of medical condition at the end of the predicted minimum period of absence in order to establish the employee's fitness to resume employment.

Benefits continuation

The employee will continue to pay his/her share of the employee's health insurance premium while the employee is on FMLA leave. The employee must pay his/her share of the premium on a monthly basis as directed by the Central Office. If the employee chooses not to return to work at the expiration of the leave, the Canaan School District shall have the right to recover the premiums paid in maintaining group health benefits during the leave if for a reason other than the continuation of a serious health condition.

Job Restoration

Upon return from leave, an employee shall be restored to his/her old job, or to an equivalent position with equivalent pay, and to benefits and other terms and conditions of employment. The employee will be credited with employment benefits that accrued before the leave.

After written and verbal notice to the employee, Canaan School District may deny job restoration to employees in the highest paid ten percent of salary, in accordance with the Family Medical Leave Act and the Vermont Parental, Family Leave law, when such an employee performs unique services and it is necessary to hire a permanent replacement in order to avoid substantial and grievous economic injury.

Posting of Required Notices

Copies of required notices of rights under both statutes (FMLA or VPFL) shall be posted in each building in a place that is readily accessible to employees. The Superintendent or his/her designee is authorized to prepare and implement regulations, as necessary, to carry out this policy and the provisions of the law.

Date Warned: 16 June 2003
Date Adopted: 7 July 2003
Legal Reference(s): 29 CFR Part 825
21 V.S.A. § 471
21 V.S.A. § 472

ADMINISTRATIVE GUIDELINES

Family and Medical Leave

1. It is the policy of the Canaan School District to provide eligible employees with leave for family or medical reasons consistent with the Federal and Medical Leave Act (FMLA) and/or Vermont Parental and Family leave Law (VPFL). Eligible employees are those employees who have worked for the Canaan School District for at least twelve months and for at least 1,250 hours during the previous twelve months.
2. Canaan School District will provide up to twelve weeks of un-paid leave during any 12-month period for the following reasons:
 - The birth of a child;
 - The initial placement of a child with the employee for adoption or foster care;
 - The serious illness of the employee's child, stepchild, child of the employee's civil union partner, or ward who lives with the employee, foster child, parent, spouse, partner to a civil union or parent of the employee's spouse or civil union partner; or
 - The employee's own serious illness.
 - Serious illness means an accident, disease or physical or mental condition that:
 - i. Poses imminent danger of death;
 - ii. Requires inpatient care in a hospital; or
 - iii. Requires in-home or hospice care under the direction of a physician.

12-month period is defined by Canaan School District to be the 12-month period of the school year (July – June).

3. The leave may be taken up to twelve weeks in duration. It may be taken on an intermittent or reduced schedule.
4. The leave will be unpaid except for portions that are used for accrued paid vacation, rescheduled time, family or sick leave. Employees have the right to use any amount of accrued paid leave for any part of the 12-week period. Leave may not be used to extend this leave. An employee may utilize sick leave during or at the end of this leave if he or she qualifies consistent with existing School policy. FMLA will be run concurrently with any lost time covered by worker's compensation.
5. Notice of leave by the employee to Canaan School District is required when it is foreseeable. The employee must provide reasonable, that is as soon as practicable, notice of his/her intention to take. If the necessity for leave is based on planned medical treatment, the employee must provide at least 30 days notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the school, subject to the approval of the employee's health care provider.
6. The School may notify an eligible employee when it designates time away from work is being taken as Family Medical Leave, however, such notification is not a requirement under the law.
7. Canaan School District requires that any leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule, be supported by certification of a health care provider.
8. Any employee on leave for four weeks or more must report to Canaan School District with respect to his/her status and intent to return to work. Such report must be made during the 5th, 8th and 11th weeks of leave. Additionally, an employee must report as soon as possible to Canaan School District whenever it is determined that it will be necessary to extend his/her leave beyond the time originally anticipated, such extension to a limit of 12 weeks, subject thereafter to the requirements of the Americans with Disabilities Act.
9. When certification was required at the outset of a leave for the employee's own serious health condition or that of a family member as covered under the FMLA, Canaan School District also requires re-certification of medical condition at the end of the predicted minimum period of absence in order to establish the employee's continuing need for leave.

10. If the employee chooses not to return to work at the expiration of the leave, Canaan School District shall have the right to recover the premiums paid in maintaining group health plan and dental benefits during the leave if for a reason other than the continuation of a serious health condition.
11. When FMLA leave is necessitated by the employee's own serious health condition, Canaan School District will require the employee to present certification from the employee's health care provider to the effect that the employee is able to return to work.
12. Upon return from leave, an employee shall be restored to his/her old job, or to an equivalent position with equivalent pay, and to benefits and other terms and conditions of employment. The employee will be credited with employment benefits that accrued before the leave.

After written and verbal notice to the employee, Canaan School District may deny job restoration to employees in the highest paid ten percent of salary, in accordance with the Family Medical Leave Act and the Vermont Parental, Family Leave law, when such an employee performs unique services and it is necessary to hire a permanent replacement in order to avoid substantial and grievous economic injury.

13. Canaan School District posts the Department of Labor notice as to the above-outlined rights. Please contact the ENSU Central Office with questions.

FMLA Leave Extension: If an employee on FMLA Leave fails to return from leave after 12 weeks due to the continuation, recurrence or onset of a serious health condition that otherwise would entitle the employee to FMLA Leave, he or she may request additional leave. Such additional leave will be granted or denied in the sole discretion of Canaan School District's school administration and in accordance with the applicable collective bargaining agreement, if any. If the serious health condition constitutes a disability as defined by and to the limits of the Americans with Disabilities Act and/or the Vermont Fair Employment Practices Act, the leave extension will be reviewed as a request for reasonable accommodation in accordance with those laws.

Short-Term Family Leave: School Employees are also entitled to take up to four hours off – unpaid – in any thirty-day period, but not more than a total of twenty-four hours in any twelve month period, for the following reasons:

1. To take part in pre-school or school activities directly related to the education of the employee's child, stepchild, child of the employee's civil union partner, foster child or ward who lives with the employee. (An example of such activity would be a parent-teacher conference.)
2. To go to routine medical or dental appointments for the employee or with an employee's child, stepchild, child of the employee's civil union partner, foster child or ward who lives with the employee, or the employee's parent, spouse or parent-in-law or parent of the employee's civil union partner.
3. To go to other kinds of appointments for professional services related to the care and well-being of the employee or the employee's parent, spouse, partner to a civil union, parent-in-law or parent of the employee's civil union partner.
4. To respond to a medical emergency concerning the employee's child, stepchild, child of a civil union partner, foster child or ward who lives with the employee, or the employee's parent, spouse, partner to a civil union or parent-in-law or parent of the employee's civil union partner.

Please take note that, whenever possible, School employees should try to schedule all such appointments outside of working hours. Additionally, employees may be required to take this unpaid leave time in a minimum of two-hour segments.

Additionally, you should inform your supervisor of your intent to take off this unpaid leave time as early as possible, but not later than seven days in advance, other than in an emergency. "Emergency" means you could not have known in advance, and imposing the 7-day notice requirement would have a significantly negative impact on your family member.

For all of the above absences from work, you may instead use accrued paid leave, including vacation and personal leave.

For exempt employees, unpaid time will be deducted only if eight (8) hours or more is taken at one time. Paid time will be deducted only when more than four (4) hours is taken off at one time. The exempt employee should designate use of paid leave to be applied to such absences.

Special Provisions Relating to Instructional Employees:

- The term “instructional employees” includes teachers, special education assistants, signers or others whose presence in the classroom is necessary to the educational process. It would not include teacher assistants, cafeteria workers, building service workers, bus drivers, or other primarily non-instructional employees.

Rules applicable to instructional employees taking leave near the conclusion of an academic term.

- **More than five (5) weeks before term’s end.** If an eligible instructional employee begins family or medical leave more than five (5) weeks prior to the end of the academic term, the school may require the employee to continue taking leave until the end of such term if:
 - The leave is of at least three (3) weeks’ duration;
 - The return to employment would occur during the three-week period during the end of the term.
- **Five (5) or fewer weeks before term’s end.** If an eligible instructional employee begins leave during the period five (5) weeks before the end of the academic term, the school may require the employee to continue taking leave if:
 - The leave is of greater than two (2) weeks’ duration;
 - The return to employment would occur within two (2) weeks at the end of the term.
- **Three (3) or fewer weeks before term’s end.** If an eligible instructional employee begins leave within three (3) weeks of the end of the academic term, and the leave will last longer than five (5) working days, the school may require the employee to continue taking leave until the end of such term.

Intermittent or Reduced Schedule Leave. This provision applies only in the instance of a foreseeable leave for which the employee has provided the employer with thirty (30) days, if practicable, notice. When an eligible employee employed principally in an instructional capacity requests leave that is based on planned medical treatment for an immediate family member or self, and the employee would be on leave for more than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the school may require that such employee either:

- Take leave for periods of a particular duration, not to exceed the planned medical treatment; or
 - Transfer temporarily to an available alternative position of equivalent pay and benefits in order to better accommodate recurring periods of leave.
- Required restoration to an equivalent position will be determined on the basis of established school board policies, practices and pertinent collective bargaining agreements.