

Consistent with the federal Family and Medical Leave Act of 1993, the Board of Education recognizes the right of eligible employees to unpaid family and medical leave for up to twelve (12) weeks during any twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

To be eligible for family or medical leave an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Family leave shall be granted:

1. With the birth and care of a newborn child;
2. With the adoption or foster placement of a child;
3. To care for an employee's spouse, parent, or child with a serious health condition or next of kin of a covered service member requiring care;
4. Due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. Due to any qualifying exigency as defined in Department of Labor regulations, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard and Reserves in support of a contingency operation;
6. For care of a service member who is a member of the Armed Forces, including the National Guard or Reserves with a serious injury or illness; or
7. To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition.

However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid leave in a single 12-month period to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of a family leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the District of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical and must follow the District's usual and customary call-in procedures for reporting an absence, unless extenuating circumstances arise. The District may require a certification from a health care provider if medical leave is requested.

When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent of Schools or designee may reassign a teacher consistent with the teacher's agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

The Board shall ensure that family and medical leave, consistent with the Family and

Medical Leave Act, is provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

Other Family and Medical Leave

Employees may also be eligible for leave relating to the COVID-19 pandemic. Employees should contact the District for more information if they believe they may be entitled to leave under Federal Emergency Family and Medical Leave, Federal Emergency Paid Sick Leave, or the New York State COVID-19 Paid Sick Leave. These laws are subject to change or be repealed and this policy does not guarantee any right to those leaves beyond what is provided for by law.

Ref: 29 U.S.C. §§ 207, 2611, 2612, 2613, 2614, 2618, 2619.
29 CFR 825.110, 825.309, 825.600, 825.603, 825.800.

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