

EMPLOYEES - Series 400

403 Employees Health & Well-Being

403.8 Family and Medical Leave

Consistent with the Family Medical Leave Act, each employee who has been employed at least 12 months and who has worked at least 1,250 hours during the preceding 12 months will be granted a maximum of 12 weeks unpaid leave of absence each year. For purposes of calculating the 12-week period, the year will be defined as the contract year beginning on July 1 and ending on June 30.

Under this section, family and medical leave will only be granted for the following purposes:

- for the employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position;
- to care for the employee's spouse, child or parent who has a serious health condition;
- the birth and care of an employee's child and in order to care for that child prior to the first anniversary of the child's birth; to care for a child placed with the employee through adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement.

Employees will utilize any existing paid leave provided by the Master Contract or Board policy which will be counted toward the 12-week family and medical leave period. Paid leave will be utilized to the extent which such leave is for a purpose provided in the Family and Medical Leave act and an existing paid leave for the same purpose is available up to amounts of the existing Master Contract or Board policy. Upon exhaustion of paid leaves counted toward the 12-week family and medical leave period, any remaining family and medical leave taken will be unpaid.

If the employee has a serious health condition that makes the employee unable to perform the essential functions of the employee's position and if the employee accumulated sick leave in excess of the 12-week entitlement, the employee will have exhausted FMLA and will continue sick leave according to the provisions of the Master Contract or Board policy.

The District will continue the District's contributions toward health, life and LTD insurance on behalf of the employee for up to 12 weeks. If the employee has more than 12 weeks of paid sick leave available, the District shall continue its contribution until the leave is exhausted. The employee will be required to reimburse the District for any employee-owned benefit contributions made by the District on the employee's behalf while the employee was on unpaid leave under this policy. The employee will remit the employee's contribution toward health insurance by the 20th of the month for coverage during the following month or within 30 days thereafter.

The District will require an employee to provide written certification from a health care provider when an employee requests leave under this section for employee's own serious health condition or to care for the employee's parent, spouse or child with a serious health condition.

Unpaid leave beyond the 12-week entitlement may be granted upon approval of the superintendent under special circumstances and will not be considered an extension of FMLA. Employees will be responsible for all costs of health, life and LTD insurance benefits.

The District will post the notice regarding FMLA and will inform personnel annually.

Adoption Date: August 18, 1994

Review Date: April 11, 2011

Revision Date: April 11, 2011

Legal Reference: Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W. 2d 394
26 U.S.C. S 2601 et seq. (2006)
29 C.F.R. Pt. 825 (2006).
Iowa Code §§ 20; 85.33,34,38(3); 216; 279.40 (2009).
1980 Op. Atfy. Gen. 605.
1972 Op. Att'y. Gen. 177, 353.
1952 Op. Att'y. Gen. 91.

Cross References: 409 Licensed Employee - Vacations/Leaves of Absence
411 Support - General
406.5 Benefits for Licensed Personnel
412.4 Employee Benefits for Support Personnel