

### **Family Leave**

The following procedures are adopted by the Riverview School District to implement the federal Family and Medical Leave Act:

1. Family leave will include any leave taken for pregnancy or childbirth related illness or disability.
2. An employee, whether male or female, is entitled to twelve (12) work weeks of family leave during any twelve (12) month period. An employee is anyone who was employed by the Riverview School District on a continuous basis for the previous 52 weeks for at least 1,250 hours of service during those 52 weeks, excluding authorized leave or periods of time in which persons do not report to work but have a continuing employment relationship and do not collect unemployment benefits. The 12-month period of eligibility for FMLA leave shall be different for each employee and shall be measured backward from the date any employee first uses any FMLA leave.
3. Family leave may be taken:
  - a. because of the birth of a child and to care for a newborn child, or
  - b. because of the placement of a child with the employee for adoption or foster care, or
  - c. to care for a child, spouse, or parent who has a serious health condition, or
  - d. because of the employee's own serious health condition. A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves:
    - (1) an overnight stay in a hospital, hospice, or residential medical care facility,
    - (2) an absence from work, school, or regular daily activities of more than three days combined with continuing treatment or supervision by a health care provider, or
    - (3) continuing treatment or supervision for a chronic or long-term condition which is incurable, or which would likely result in a more-than-three-day period of incapacity if left untreated, or
    - (4) for prenatal care.
  - e. Respond to a qualifying exigency occurring because the employee's spouse, son or daughter, or parent is on active duty or has been notified of pending active duty in support of a contingency operation.

- f. An employee who is the spouse, son or daughter, parent or next of kin of a service member who is recovering from a serious illness or injury sustained while on active duty is entitled to twenty-six (26) weeks of unpaid leave in a 12-month period to care for the service member.
4. If both parents are employed by the District, they may take FMLA leave to care for a new child together, but the FMLA limits their aggregate leave to twelve (12) weeks in a twelve (12) month period.
5. Leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months after date of the birth or adoption. Leave taken to care for a terminally ill child may be taken only once for any given child in a twelve (12) month period of time. This leave may be taken in a block or intermittently. If the leave is taken intermittently, a written calendar stating the employee's work schedule shall be developed with a copy kept at the work site and the Personnel office. "Child" is defined as a biological, adopted, foster child, stepchild, or a legal ward who is under 18 years of age or incapable of self care due to a mental or physical disability. The District may require confirmation by a health care provider of the employee's need for family leave.
6. An employee who plans to take family leave should provide the District with written notice at least thirty (30) days in advance. If the family leave is not foreseeable and thirty (30) days notice cannot be given, the employee should notify the District of the expected leave at the earliest date possible.
7. Upon returning from family leave, the employee is entitled to be returned to the same position previously held or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
8. Any employee who works principally in an instructional capacity and who would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, may be required to take leave for periods of particular duration or to transfer temporarily to an alternative equivalent position that better accommodates the leave.
9. Any employee who works primarily in an instructional capacity, and who requests a period of leave near the conclusion of the academic term, may be required to continue the leave until the end of the term.
10. An employee on leave remains subject to legitimate job changes and reductions in force that occur during the leave.

11. Health benefits (medical, dental, and vision) will be continued for the employee during the leave with the District paying the same portion of the premium as it did while the employee was a work. However, if the employee fails to return from leave, the employee must reimburse Riverview School District for all premiums paid during the leave.
12. The District requires that any of the employee's available accrued paid vacation, personal, family, or sick leave be substituted for any part of the 12-week leave period. Once any paid leave is used up, the remainder of the 12-weeks of leave will be unpaid.
13. An employee is not entitled to unemployment compensation during the leave even if the leave is unpaid.
14. When leave is requested to be taken for the birth or placement of a child for adoption or foster care, the leave may not be taken intermittently or on a reduced leave schedule unless the employee and District agree otherwise. However, when leave is taken to care for a sick family member, or due to the employee's own serious health condition, leave may be taken intermittently, or on a reduced schedule, when medically necessary.
15. The District may require that any leave request be supported by certification from an approved health care provider. The employee shall provide certification, upon request, within 15 calendar days. The certification must contain:
  - a. The date the serious health condition began;
  - b. The probably duration of the condition;
  - c. The appropriate medical facts regarding the condition;
  - d. If the leave is based on care of a spouse, child, or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
  - e. If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job; and
  - f. In the case of intermittent leave, or leave on a reduced schedule for planned medical treatment, the dates the treatment is expected to be given and the duration of the treatment.
16. The District may require an employee taking leave due to a serious health condition to obtain certification from an approved health care provider that the employee is able to resume work.
17. An employee is not entitled to an accrual of any seniority or employment benefits that would have occurred during the period of leave.

18. The District shall not terminate nor in any manner discriminate against employees for taking advantage of their rights to leave or opposing the District's denial of those rights.
19. It is the intent of the FMLA to set a base level of leave for employees under certain conditions. It is recognized that in some instances, the state law regarding leaves has provisions which exceed the federal law. However, nothing in this law or these procedures shall prohibit the District from reviewing each staff member's request for leave on an individual basis and authorizing additional unpaid leave based on conditions found acceptable to the Board of Directors.

Adopted: August 25, 2009