



# NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

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Board of Education Policy 5-70

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## **PERSONNEL** **FAMILY AND MEDICAL LEAVE**

In compliance with the Family and Medical Leave Act (FMLA), New Trier Township High School District 203 shall grant eligible employees unpaid family and medical leaves of absence under the following terms and conditions.

### **Eligibility**

To be eligible for a family or medical leave, an employee must:

1. Have been employed by the District for at least 12 months (not necessarily consecutive);  
and
2. Have worked for the District at least 1,250 hours during the previous 12-month period (hours of work are defined within the meaning of the Fair Labor Standards Act and regulations).

### **Purpose of Leave**

1. Medical Leave: To care for the employee's child, spouse or parent with a serious health condition or if the employee is unable to perform the essential functions of his or her job because of the employee's own serious health condition.
2. Family Leave: In connection with the birth of the employee's child or placement of a child for adoption or foster care with the employee. Any family leave must be completed within 12 months of the birth or placement.

### **Duration and Scheduling of Leaves**

1. The District will grant up to 12 work weeks of family and medical leave in any rolling 12-month period in accordance with the FMLA.

2. Leave may be taken:
  - a. In one 12-week period;
  - b. In two or more leaves totaling 12 work weeks;
  - c. Intermittently in the case of a family or personal medical leave, when medically necessary, with the days/weeks of leave equaling 12 work weeks, in accordance with the FMLA;
  - d. As part of a reduced work schedule in the case of a family or personal medical leave, when medically necessary, with the hours/days of leave equaling 12 work weeks, in accordance with the FMLA.
3. When an instructional employee requests an intermittent or reduced leave schedule that amounts to more than 20% of the total number of working days during the period over which the leave extends, the District may require the instructional employee either:
  - a. To take full-time leave for a particular time period not greater than the duration of the planned treatment; or
  - b. To temporarily transfer to an available alternative position that better accommodates the recurring periods of leave.
4. When an instructional employee requests a leave near the end of an academic term, the District may require the employee to continue the leave until the term is over if:
  - a. The leave begins more than five weeks before the end of the term, will last at least three weeks, and return will occur during the final three weeks of the term; or
  - b. The leave, taken for reasons other than the employee's own serious health condition, begins during the last five weeks of the term, will last more than two weeks and return will occur during the final two weeks of the term; or
  - c. The leave, taken for reasons other than the employee's own serious health condition, begins during the last three weeks of the term and will last more than five working days.
5. Any days of leave required by the District beyond the time when an instructional employee is ready and able to return to work will not count against such employee's 12-week allotment.

**Employee Notice of Leave**

1. An employee requesting a family or medical leave must provide notice to the District as soon as practicable. Where the need for a leave is foreseeable (e.g. for the birth of a child or planned medical treatment), the employee must provide required notice. In the event the employee fails to provide 30 days' notice for a foreseeable leave, the District may delay the start of the employee's leave until required notice is provided.
2. In the case of a request for intermittent/reduced schedule leave or leave for planned medical treatment, the employee shall, at the District's request, schedule such treatment so as not to unduly disrupt the District's operations.

**Medical Certification**

1. In requesting a leave, an employee must provide sufficient facts to demonstrate that the leave qualifies under the FMLA.
2. In the case of a request for a medical leave, the employee must provide, within 15 days of the District's request, a medical certification from the appropriate health care provider that the leave is necessary because of his or her serious health condition or the need to care for a spouse, child or parent with a serious health condition.
3. For purposes of this policy only, a serious health condition is an illness, injury, impairment or physical or mental condition that involves:
  - a. A period of in-patient care in a hospital, hospice or residential medical facility;
  - b. A period of incapacity requiring absence from work, school or other regular daily activities for more than three consecutive calendar days and involving continuing treatment by a health care provider;
  - c. Any period of incapacity due to pregnancy or for prenatal care;
  - d. Periodic or long-term periods of incapacity due to a condition for which treatment may not be effective and involves continuing supervision by a health care provider; or
  - e. Any period of absence to receive multiple treatments by a health care provider for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical treatment.

4. The District, at its expense, may require a second opinion from a second health care provider. When the second opinion conflicts with the first, the District may require a third opinion from a health care provider to be approved jointly by the employee and District.
5. An employee on leave may, at the District's request, be required to report every 30 days on his or her status and intention to return to work and, in the case of a medical leave, provide periodic recertification by a health care provider.
6. The District may deny leave to employees who do not provide proper medical certification.

### **Compensation and Benefits**

1. Family and medical leaves granted under this policy are unpaid except that the employee is required to use accrued paid vacation before unpaid family or medical leave is provided and accrued sick days before unpaid medical leave is provided. The total of paid and unpaid leave for family and medical leave under this policy may not exceed 12 weeks during any calendar year.
2. An employee on family or medical leave will continue to be covered under the District's health insurance and dental plans under the same terms as if the employee had been continuously working during the leave period, provided that:
  - a. Coverage shall end when the employee notifies the District of his or her intent not to return to work, fails to return on the scheduled date or exhausts his or her family and medical leave rights under this policy;
  - b. The employee will be required to pay his or her share of applicable premium payments at the same time as such payments would be made if by payroll deduction. Coverage may lapse if an employee's premium payment is more than 30 days late.
  - c. The District may recover its premium cost if the employee fails to return to work following an approved, unpaid leave unless the reason for the failure to return is a serious health condition of the employee, spouse, parent or child or other circumstances beyond the employee's control. In this event, the District may require a certification of the existence of a serious health condition which the employee must provide within 30 days of the request.

**Employment Status**

1. Upon the conclusion of an approved leave, the employee will be restored to his or her former position or to an equivalent position as established by school board policies and practices and any applicable collective bargaining agreement (with respect to pay, benefits and other terms and conditions of employment) with any general pay increases or benefits enhancements granted during the leave, provided that:
  - a. An employee will be required to pass a fitness-for-duty medical examination upon the return from a personal medical leave;
  - b. An employee returning from leave has no greater rights to a position or benefits than had he or she been continuously working during the leave period (e.g. in the case of lay-off);
  - c. Where the employee seeks an intermittent/reduced schedule medical leave, the District may temporarily transfer the employee to an available alternative position with equivalent pay and benefits for which the employee is qualified if the transfer better accommodates the requested recurring periods of leave;
  - d. In the case of “key” employees (a salaried employee who is among the 10% highest paid employees), the District may notify the employee (personally or by certified mail) at the time leave is requested that restoration of the employee would cause substantial and grievous economic injury to the District and may deny reinstatement to that employee unless the employee elects to return from leave after receiving such notice (provided the District determines that such injury would result from the employer’s restoration); and
  - e. An employee on an approved leave may not perform work for another employer during that leave in violation of the District’s policy regarding outside employment (5.200).

**Legal Reference:****29 U.S.C., Sections 2601 to 2654****Adopted: 11/8/93****Revised: 8/24/98****Revised: 11/13/00****Revised: 4/17/2006****Revised: 2/20/2017**