

MAINE SCHOOL ADMINISTRATIVE DISTRICT #33

Family and Medical Leave

The following regulations will be used as guidelines to analyze whether an employee is eligible for Family and Medical Leave, and in detailing specific expectations and obligations of an employee who exercises his/her FMLA entitlements.

Eligibility

An employee is eligible for up to **12 workweeks of unpaid leave** within a 12 month period, under the Family and Medical Leave Act of 1993, if:

- The employee has worked for M. S.A.D. #33 for at least 12 months; and
- Has worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave. (Teachers employed on a full-time basis are presumed to meet the minimum hours requirement.)

OR;

An employee is eligible for up to **10 workweeks of unpaid leave** within a 24 month period, under the Maine Family Medical Leave Act, if:

- The employee has worked for M.S.A.D. #33 for at least 12 months.

At no time shall an employee be entitled to more than 12 workweeks within the designated 12-month period.

Entitlement

An employee may request a leave for one or more of the following reasons:

- When an employee is unable to work because of a serious health condition as defined by the FMLA;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition as defined by the FMLA;
- For the birth of the employee's child, and to care for the newborn;
- For the placement of a child for adoption or foster care by the employee, and to care for the newly placed child.

Spouses employed by M.S.A.D. #33 will be limited to a combined total of 12 workweeks of leave for the following reasons:

- For the birth and care of an employee's child;
- For the placement of a child for adoption or foster care by the employee, and to care for the newly placed child.

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Substitution of Paid Leave

An employee who is on leave for a “serious health condition” will be required to take accrued paid sick leave and/or accrued paid vacation leave concurrently. When paid leave is exhausted, the balance of the FMLA leave shall be unpaid.

Sick Leave and/or Worker's Compensation Leave

All sick leave and/or worker's compensation leave that is taken due to qualifying serious illness or injury as defined by FMLA will be counted as FMLA leave following notification in writing, to the employee, that such leave will be counted as FMLA leave.

Medical Certification

Medical certification issued by a health care provider may be required to support a request for leave for a "serious health condition" of the employee or the employee's immediate family member. An employee will be allowed 15 days to obtain the medical certification. The "Certification of Health Care Provider" (Form WH-380) provided by the U.S. Department of Labor shall be used for this purpose. A copy of this form may be obtained at the superintendent's office. The District may also request medical re-certification if circumstances concerning an employee's leave change significantly or if the District receives information that casts doubt on the validity of the medical certification.

Maintenance of Health Insurance Benefits

Health insurance coverage shall continue while the employee is on leave provided the employee makes arrangements to pay his/her portion of the insurance premiums.

Health insurance coverage shall stop if and when the employee informs the District of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. Coverage may also stop if the employee's portion of the insurance premium is more than 30 days late and the employee has been given written notice at least 15 days in advance that coverage will cease if payment is not received.

Other Benefits

Seniority, sick leave and vacation time will not accrue during periods of unpaid FMLA leave.

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Job Restoration

Upon return from FMLA leave, an employee will be returned to his or her original job. Under limited circumstances, the District may refuse to reinstate a "key" employee to his or her original job. In order to do so, the District shall notify the employee in writing of his/her status as a "key" employee as defined by FMLA, the reasons for denying job restoration, and provide the employee a reasonable opportunity to return to work after such notification.

Outside Employment

An employee may not engage in other employment while on FMLA leave.

Legal Reference: 26 USC § 2601 et seq.
29 CFR Part 825
26 MRSA § 843 et seq.

Cross Reference: GBN Family and Medical Leave
GBN-E1 Employee Request for Family/Medical Leave
GBN-E2 Notice to Employee
GBN-E3 Certification of Health Care Provider

History: Adopted Meeting #763 March 4, 2002