

CHAPTER 6.00 - SCHOOL ADMINISTRATION

6.23 - Personal and Family Medical Leave

POLICY

Any employee desiring personal leave shall make written application for such leave. The employee shall not be entitled to compensation while on personal leave. Personal leave will be granted at the discretion of the Board except parental leave will be mandatory upon application. Authority to approve such leave shall be vested in the Board except as provided herein and in Section 6.19 of these regulations.

(1) Parental Leave

- (a) A full-time employee who is an expectant parent at the beginning of the school term or who becomes an expectant parent during the school term shall be granted parental leave as provided herein. When an employee determines that he/she is an expectant parent and wishes to take parental leave, he/she shall file with the Superintendent a written application for leave with an attached statement from the attending physician stating the expected date of birth of the child. If possible, the effective date for the suspension of services shall be mutually agreed to by the employee and his/her immediate administrative supervisor. Such decision shall be based on, but not limited to, physical and emotional condition, effectiveness in carrying out his/her assigned duties, availability of a satisfactory replacement, term of service required for credit for a year of service, and the recommendations of the attending physician, where applicable. A physician's statement, specifying a date when an expectant mother should suspend her services, shall be the latest date on which such leave will become effective. In the case of an instructional employee, the administrative supervisor shall determine and inform the teacher as to the number of hours of service required for him/her to receive credit for a year of service for professional service contract and salary purposes during that year. When a mutually acceptable date for the suspension of services cannot be achieved, the Superintendent shall evaluate the recommendations and information submitted to him/her by both the employee and his/her immediate administrative supervisor and shall make an appropriate recommendation to the Board for its consideration. At his/her option, the employee may use accumulated sick leave during the period he/she is no longer able to work.

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- (b) Parental leave shall be granted only when a contractual relationship exists which will be in effect during the period of the leave. The leave application shall specify the period for which leave is requested; provided, that leave in excess of one (1) year will not be allowed. Subsequent to the birth of the child, the employee will be returned to duty in accordance with the leave application.
- (c) Where a teacher in annual contract status is granted parental leave, the teacher must be under contract to render services for the school year during which such leave will occur. Any teacher in annual contract status shall enter into a written contract to render services for the ensuing school year prior to the approval of leave. Leave so granted shall not be interpreted to assure reappointment for the next school year but shall be only for the purpose of protecting probationary service for professional service contract purposes. Any teacher in annual contract status and on leave shall be considered for reappointment at the time of the reappointment of all instructional personnel.

Any teacher whose services are not satisfactory and who would not, at the time of leave, be considered for reappointment will be granted leave for the remainder of the school year. Under no conditions will parental leave be granted for the ensuing school year unless the teacher has signed a contract covering the period for which the leave was granted.

- (d) Any employee on parental leave for the remainder of a school year or for the entire school year, who, on expiration of leave, wishes to return to duty at the beginning of the next school year shall notify the Superintendent in writing of such desire by not later than April 1.

(2) Family and Medical Leave

(a) Purpose

The Family and Medical Leave Act (FMLA) entitles qualified employees up to twelve (12) weeks of unpaid leave per year. The School Board of Levy County will provide said leave to qualified employees in accordance with the provisions of the Family and Medical Leave Act of 1993. The Board authorizes the Superintendent to create and carry out all procedures necessary to implement this policy.

(b) Eligibility

To be eligible, an employee must have worked a full contracted year (July through June), or must have worked for at least 1,250 hours during a 12-month (July through June) period.

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(c) Types of Leave Covered

A leave of absence under this policy shall be granted for one of the following reasons:

1. The birth of a child of the employee and to care for the newborn child;
2. For placement with the employee of a child for adoption or foster care;
3. To care for the employee's spouse, child, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of their job; and
5. Any qualifying exigency that arises because the spouse, son, daughter or parent of an employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

(d) 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 twenty-six (26) weeks of leave during a twelve (12) month period to care for the service member. This leave is available on during a single twelve (12) month period.

(e) During the single twelve (12) month period described in (d), an eligible employee is entitled to a combined total of twenty-six (26) weeks of leave under the provisions (c) and (d). This does not limit the availability of leave under (c) during any other twelve (12) month period.

(f) Definitions

For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice or residential medical care facility;
2. Any period of incapacity requiring absence from work or school of more than three (3) calendar days that also involve continuing treatment by a health care provider; or

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3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or
4. For prenatal care.

(g) Notification

1. An employee who wishes to take FMLA leave must provide the supervisor with at least thirty (30) calendar days advance notice before the FMLA leave begins.
2. If the thirty (30) calendar days advance notice is not feasible (i.e., due to an emergency, a change in circumstances, lack of knowledge), a notice of intent to take FMLA leave must be given as soon as possible and practical.
3. The employee shall provide a statement from the doctor when a request is made under FMLA for a serious health condition.
4. If an employee fails to give the timely advance notice when the need for FMLA leave is foreseeable or fails to provide the requested doctor's statement to verify the existence of a serious health condition, the request for FMLA leave may be denied until the thirty (30) days advance notice or statement has been provided.
5. An employee who fraudulently obtains FMLA leave shall not be protected by FMLA for job restoration or maintenance of health benefit provisions.

(h) General Provisions

1. The twelve (12) weeks of unpaid FMLA leave is noncumulative and must be taken within the one (1) year period (July through June).
2. If both husband and wife are eligible for FMLA leave and are employed by the Board, they are eligible for a combined total of twelve (12) weeks during any one-year period (July through June).
3. FMLA leave can be taken intermittently when medically necessary. Under such circumstances, the employee must try to schedule leave so as not to unduly disrupt the operation of the work place.

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4. When intermittent leave is requested, the Superintendent has the authority, and may place the employee in an alternative position which better accommodates the intermittent leave.
5. Employees who are granted FMLA leave and who are eligible and receive Board provided group health insurance when actively working for the Board shall maintain this coverage for the duration of such leave.
6. Employees who are granted FMLA leave and who pay for other types of Board offered insurance coverage, must make arrangements before going on unpaid leave to make direct premium payments to the Board while on leave.
7. When medical treatment is required, eligible employees shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the work place.
8. Eligible employees can substitute any accrued paid leave (i.e., personal leave, sick leave) for FMLA leave. When paid leave is substituted, the Board will not count the paid leave against the employee's FMLA twelve (12) week leave entitlement.
9. On return from FMLA leave, an employee shall be restored to the same position he/she held prior to the FMLA leave, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(i) Request for Leave Approval

Eligible employees= request for FMLA leave must be approved by the Board.

(3) Leave Related to Domestic or Sexual Violence

- (a) An employee, who has been employed by the District for at least three (3) calendar months, may request and shall be granted up to three (3) days of unpaid personal leave within a twelve (12) month period if he/she has been a victim of domestic or sexual violence or if a family or household member has been a victim of domestic or sexual violence.
- (b) The leave must be used for one or more of the following purposes:
 1. To seek an injunction for protection against domestic violence or for protection in cases of repeat violence, dating violence or sexual violence;

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2. To obtain medical care and/or mental health counseling for the employee or a family or household member;
 3. To obtain services from a victim-services organization;
 4. To make the employee's home secure from the perpetrator or to seek new housing; and/or
 5. To seek legal assistance related to the violence.
- (c) All records related to such leave will be considered confidential.
- (d) This leave shall be noncumulative and shall be requested in advance except in the case of an emergency.
- (e) If an employee elects to be on paid leave, he/she may request personal leave chargeable to sick leave provided that the employee is eligible to be on such leave or he/she may request annual (vacation) leave provided that the employee accrues annual leave and has an annual leave balance.
- (4) **Personal Leave for Other Reasons**
Any employee desiring personal leave for any other reason shall file a written application setting forth the reasons for and the purpose of the requested leave. The Board or the Superintendent will consider the best interest of the employee and the general welfare of the school system.
- (5) Six (6) days of personal leave with pay will be allowed for any member of the administrative, instructional staff, or educational staff professional each school year or school fiscal year, provided that such hours shall be charged only to accrued sick leave; provided further, that personal leave days shall not be cumulative and may not be counted in determining a year of service.

The employee shall make every effort to keep such claims to a minimum. Such leave shall be subject to the approval of the Superintendent.
(1012.61 (2) (a) 2)

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STATUTORY AUTHORITY: 1001.41 (2), 1001.42 (17), F.S.

LAWS IMPLEMENTED: 1012.66, F.S., The Family and Medical Leave Act of 1993; Part 825 of the Code of Federal Regulations, Title 29, U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division

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