

File: GCCC/GDCC

PROFESSIONAL STAFF FAMILY AND MEDICAL LEAVE

The School System shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993."

File: GCCC-E/GDCC-E

FAMILY AND MEDICAL LEAVE ACT POLICY

The Town of Weymouth establishes the foregoing policy in compliance with the federal Family and Medical Leave Act of 1993 (FMLA). The Town shall utilize the terms and definitions of the FMLA.

Where the FMLA and the federal American with Disabilities Act of 1990 (ADA) conflict, the Town shall defer to the act according the employee the most protection.

FMLA leave is provided to employees of the Town of Weymouth for care associated with birth, adoption, or foster care placement of a child; to care for a family member or household member who has a serious health condition; or when the employee is unable to work because of a serious health condition.

Definitions Section:

Parent - The term "parent" means biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Son or Daughter - The term "son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward, or a child (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability, or of a person standing in loco parentis.

Spouse - The term "spouse" means a husband or wife, as the case may be.

Health Care Provider - The term "health care provider" means (a) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or (b) any other person determined by the Secretary of Labor to be capable of providing health care services.

Serious Health Condition - The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider.

Reduced Leave Schedule - The term "reduced leave schedule" means a

leave schedule that reduces the usual number of hours per workweek, or hours per workday, for an employee.

Equivalent Position - The term "equivalent position" means the position must have the same pay, benefits and working conditions including privileges, and status. It must involve the same or substantially the same duties, and also must entail equivalent skill, effort responsibility and authority.

EFFECTIVE DATE: August 5, 1993

ELIGIBILITY: Employees who have 12 months continuous service and have worked at least 1,250 hours the previous 12 months.

BENEFITS PROVISIONS:

- Provides 12 weeks of unpaid, job protected leave. *The 12 weeks may be taken intermittently or on a reduced leave schedule during a rolling 12 month period. (as defined in the federal regulations).

Prior to the commencement of the employee's leave, the Town, through either the employee's department head or Human Resources Director, shall notify the employee of whether the leave has been designated family and medical leave.

- Provides continuation of medical coverage during FMLA leave.

Employees must make arrangements with the Treasurer to continue payment for their share of insurance etc.; if payments are made during leave it can be either via payroll (if they are still on payroll) or by personal check if off payroll.

- Sick leave is payable during FMLA leave upon request by the employee, subject to the discretion of the Department Head.

- There is a presumption of sick leave during the initial eight (8) weeks for birth of a child only; use of sick leave beyond this period must be based upon medical evidence, submitted by the employee's physician (presumption is for the father as well as the mother).

- FMLA leave may run concurrent with paid sick leave. Prior to the commencement of the employee's family and medical leave, the Town, through either the employee's department head or the Human Resource Director, shall notify the employee of whether paid leave has been allocated to the family medical leave.

- Use of vacation time does not count toward available leave.

- The employee must provide the employer 30 days notice when FMLA leave is foreseeable. When the leave is unforeseeable the employee will give notice within no more than one or two working days of learning of the need for the leave. If the leave is unforeseeable due to medical emergency, the employee must give notice as soon as practical by telephone or any electronic means. If the employee is unable to give such notice, then the employee's spouse, family member or other responsible party may give the notice.

- Sick time, personnel time and vacation time may be used, subject to the discretion of the Department Head.

- All FMLA leave must be approved two weeks in advance for the birth, adoption, or foster care placement for a child. Employees must provide medical verification within five business days from commencement of medical leave by the health care provider of the employee, or the employee's family or household member. The employer, at its own expense, may require the employee to obtain the opinion of a second health care provider. Said second health care provider shall be designated or approved by the employer, but who is not employed on a regular basis by the employer. If the two opinions differ, the employer may require again, at its expense that the employee obtain the opinion of a third health care provider who is designated or approved jointly by the employer and employee.

On return from leave the employee is entitled to be restored to the position of employment held by the employee when leave commenced; or to be restored to an equivalent position with the equivalent benefits, pay, and other terms and conditions of employment. Restoration to the same job, pay and benefits upon return from leave is subject to benefit reductions, adverse actions, or layoffs as if employed during the FMLA leave period.

Sick time and vacation time will be administered in accordance with the Town's personnel policies contained within the General By-laws, and the various collective bargaining agreements.

IF EMPLOYEE DOES NOT RETURN TO WORK

An employee is liable to the Town of Weymouth for medical insurance premiums during leave period, or retroactive termination of benefits to beginning of leave period unless employee returns to work for at least 30 days after the leave ends.

REQUESTING FMLA LEAVE

An employee must complete a FMLA leave Request Form, including the reasons associated with the leave request, with a signed approval by his or her department head.

The leave is not approved until the request is returned approved by the Principal or Superintendent, and when such a position is created.

The employee's privacy will be protected. Only those people who need to know, such as the employee's direct supervisor or department head shall be aware of the employee's FMLA leave and the reason therefore, if necessary for them to know the reason.