

FAMILY AND MEDICAL LEAVE

The intent of this policy is to summarize the Family and Medical Leave Act of 1993 (FMLA) and NH RSA 189:73, as amended from time to time, as it applies to eligible employees of the School District. An employee should consult the regulations which implement the Act/RSA for more specific definitions and criteria for use. It is not the intent of this Policy to provide additional, or different, provisions than those specified in the Act/RSA and their implementing regulations.

To be eligible for FMLA, an employee must have been employed for at least twelve (12) months, have worked at least 1,250 hours during the prior twelve months, and be employed at a work site where at least 50 employees are employed by the School District within a 75-mile radius of that work site. Employees are eligible for family and medical leave under RSA 189:73 if they have been employed by the District for at least 12 months and have worked at least 900 hours in the 12-month immediately preceding the requested leave.

Employees who meet RSA 189:73's eligibility criteria will be provided with family and medical leave under the same terms and conditions as leave provided to employees eligible for leave under the federal FMLA. As permitted by law, family and medical leave under RSA 189:73 will be used concurrently with leave provided under the federal FMLA.

Consistent with the FMLA, the School District recognizes that eligible employees have access to unpaid family and medical leave for up to twelve (12) weeks (or up to 26 weeks to care for a covered servicemember with a serious illness or injury) during a twelve (12) month period. The 12-month period for military caregiver leave is calculated separately from the 12-month period for family and medical leave taken for other qualifying reasons.

The 12-month period for military caregiver leave is calculated from the first day that the leave is taken for this purpose. Any military caregiver leave that is not taken within this specific 12-month period is forfeited. The military caregiver 12-month leave period may overlap with the District's regularly designated family and medical leave period and, in certain circumstances, may impact the employee's eligibility to take family and medical leave for other qualifying reasons. For leaves other than Military Caregiver Leave, the District uses a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Qualifying reasons for leave for eligible employees includes leave for, the birth of a son or daughter, and to care for the newborn child; the placement with the employee of a son or daughter for adoption or foster care; caring for the employee's spouse, son, daughter, or parent with a serious health condition; an employee's serious health condition that makes them unable to perform the functions of their job; qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty; and for care for a covered servicemember with a serious injury or illness.

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(continued)

The District requires, an employee to use accrued sick time for purposes of FMLA and/or RSA 189:73 designated leave, where applicable. An employee may elect to use accrued vacation or personal leave for purposes of FMLA and/or RSA 189:73. FMLA and/or RSA 189:73 will run concurrently with the use of these paid leave benefits.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin as required by FMLA. If such leave is not foreseeable, then the employee shall give such notice as is practical. The District requires a certification from a health care provider when medical leave is requested.

When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The Superintendent, or his/her designee, may reassign a teacher consistent with the teacher's agreement, to a different grade level, building, or other assignment, consistent with the employee's certification.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the FMLA, including information concerning the enforcement of the Act.

Legal References:

29USC § 2601 et. seq, Family and Medical Leave Act of 1993

- Proposed: 09/12/02
- Adopted: 10/08/02
- Proposed: 01/24/18
- Adopted: 02/21/18
- Proposed: 02/04/2020
- Adopted: 02/19/2020