



Unpaid Family and Medical Leaves and Paid Tele-Work Policy

I. Purpose: This policy outlines the basic procedures governing Unpaid Family and Medical Leaves, as well as, Medically Necessary Paid Tele-Work Arrangement (Tele-Work Arrangement). Family and Medical Leaves are employee leaves of absence for child birth or adoption, child care, personal medical care, family medical care and certain other circumstances. Medically Necessary Paid Tele-Work Arrangement is where due to a serious illness of either self or a family member an employee cannot be present at the school site but can continue duties through remoted work. This policy also outlines the basic procedures governing brief absences for certain other family purposes, referred to in this policy as Small Necessities Leaves.

II. Eligibility

A. Unpaid Family and Medical Leaves

An employee will be eligible to seek Family and Medical Leave or a Small Necessities Leave for up to twelve (12) weeks if (1) the employee has worked for the School for at least 12 months and (2) the employee has worked for the School for at least 1,250 hours during the 12 months before the leave. In certain circumstances, separate periods of employment may be aggregated for purposes of the 12-month requirement. Additionally, any time that the employee would have worked for the School but for his or her National Guard or Reserve obligations is counted toward the 1,250-hour requirement for Family and Medical Leave.

Because some circumstances do not require the employee to be on leave full-time, leave may be granted as either full-time or part-time. For example, an employee may be granted Family or Medical Leave for only three days per week but be paid for the other two. However, this will not change the way leave is calculated and so part-time leave, in addition to full-time leave, is allowable only for only up to (12) twelve weeks.

B. Medically Necessary Paid Tele-Work Arrangement

Eligibility for a Tele-Work Arrangement is assessed the same way as Family and Medical Leave in paragraph one of subsection A above. In addition, the employee requesting such an arrangement must be employed in a position that lends itself to such work. For example, a classroom teacher may not tele-work as he or she is required to be in the classroom with the students.

III. Types of Unpaid Family and Medical Leaves

Throughout this policy, the terms "Family and Medical Leave" refer to any of the following six types of leaves:

A. Pregnancy Leave

An employee may take a Pregnancy Leave due to incapacity due to pregnancy, prenatal medical care or childbirth.

B. Birth, Adoption and Child Care Leave

An employee may take a Birth, Adoption and Child Care Leave to care for his or her child after birth, or for placement with the employee of a child for adoption or foster care. The leave must be completed within 12 months of the child's birth, adoption or foster care placement.

C. Family Illness Leave

An employee may take a Family Illness Leave to care for a seriously ill or injured spouse or partner, immediate family member or child. The illness or injury must be a "serious health condition" as defined below. If the leave is for care of a child, the child must either be aged 21 or under or unable to care for himself or herself due to a serious health condition.

D. Employee Illness Leave

An employee may take an Employee Illness Leave because of a serious health condition that makes the employee unable to perform his or her job.

E. Qualifying Exigency Leave

An employee may take Qualifying Exigency Leave for certain "qualifying exigencies" arising out of the fact that the employee's spouse, child of any age or parent is on active duty (or has been notified of an impending call to active duty) in support of certain types of military operations, known as "contingency operations." The family member must be a member of the National Guard or one of the military's Reserve units or a retired member of the Regular Armed Forces or the Reserves. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings and any other circumstance that the School and the employee agree should be a qualifying exigency and as to which they agree about the timing of the leave for that event.

F. Military Caregiver Leave

An employee may take Military Caregiver Leave to care for a spouse, child of any age, parent or next of kin who is a current member of the Armed Forces (including a member of the National Guard or the Reserves) and incurs a serious illness or injury in the line of duty or active duty that may render the servicemember medically unable to perform his or her duties, if the illness or injury is one for which the servicemember (1) is undergoing medical treatment, recuperation or therapy, (2) is in outpatient status, or (3) is on the temporary disability retired list. If Military Caregiver Leave also qualifies as Family Illness Leave, the leave will be designated as Military Caregiver Leave.

IV. Serious Health Condition

A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

V. Small Necessities Leaves

Small Necessities Leaves are absences of an employee for any of the following purposes:

- to accompany a child of the employee or an elderly relative of the employee to routine medical or dental appointments, such as check-ups or vaccinations; or
 - to accompany an elderly relative of the employee to appointments for other professional services related to the elderly relative's care, such as interviewing at nursing or group homes.
- For purposes of this policy, an elderly relative of an employee is an individual of at least 60 years of age who is related by blood or marriage to the employee.

VI. Medically Necessary Paid Tele-Work Arrangements

Medically Necessary Tele-Work Arrangements are paid absences granted to an employee when that employee is required to be off the school site for extended periods of time in order to care for a seriously ill or injured spouse or partner, immediate family member, or child and the employee holds a position the majority of which his or her duties can be conducted remotely via tele-work.

VII. Notice and Scheduling of Leave and Tele-Work Arrangements and Related Employee Responsibilities

A. Required Information

Employees who seek a Family and Medical Leave, Small Necessities Leave, or a Tele-Work Arrangement, if requested, must provide sufficient information for the School to determine if the Leave or Arrangement may qualify. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider or circumstances supporting the need for a Qualifying Exigency Leave or a Military Caregiver Leave. Employees must also inform the School if the requested leave is for a reason for which a Family and Medical Leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave. Unless a longer period is specified, a medical certification or recertification must be completed and returned to the School within 15 days of the School's request.

Moreover, employees on leave may be contacted periodically for updates concerning their status and intent to return. Employees are expected to be fully responsive to such requests for updates.

B. Advance Notice of Foreseeable Leave

Except as otherwise provided below, employees must provide 30 days' advance notice of the need to take a Family and Medical Leave or to engage in a Tele-Work Arrangement when the need for the leave is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable. However, if the leave is a Birth, Adoption and Child Care Leave or a Maternity Leave, the required advance notice period is two weeks.

C. Form of Notice of Foreseeable Leave

To provide notice, an employee is required to complete the School's "Request for Leave of Absence" form and submit it to the Executive Director, except in unusual circumstances.

D. Scheduling of Foreseeable Leaves

If an employee plans to take a Family Illness Leave, an Employee Illness Leave or Military Caregiver Leave because of planned medical treatment, the employee must make an effort to schedule the treatment to reduce the disruption to the School, subject to the health care provider's approval. An employee should generally consult with his or her supervisor to explore alternatives to reduce the disruption to the School.

E. Notice of Unforeseeable Leave

When a Family Illness Leave, an Employee Illness Leave, Military Caregiver Leave or Qualifying Exigency Leave is needed due to a reason that was not foreseeable, an employee should give the Executive Director written notice as soon as he or she reasonably can. For the purposes of this policy an email acknowledged by the Executive Director as received by her may be considered written notice.

F. Notice of Small Necessities Leave

When an employee's need for a Small Necessities Leave is foreseeable, the employee should provide at least seven days' written notice. If the employee's need for such an absence is not foreseeable, the employee should provide as much notice as is practicable.

G. Effect of Insufficient Notice

An employee's failure to give adequate notice may delay, or may result in the denial of, the employee's right to take a Family and Medical Leave or a Small Necessities Leave.

VIII. Confirmation of Leaves or Tele-Work Arrangement

A. Family and Medical Leaves

The School shall inform employees who request Family and Medical Leave whether they are eligible for Family or for Medical Leave. If they are, the notice shall specify any additional information that the School requires as well as the employees' rights and responsibilities. If they are not eligible, the School shall provide at least one reason of the ineligibility determination.

B. Small Necessities Leaves

An employee who requests Small Necessities Leave may be required to provide a certification stating the date of the absence, the duration of the absence, and the purpose of the absence. The School reserves the right to require any employee to provide reasonable additional information to verify the reason for requesting a leave.

C. Medically Necessary Paid Tele-Work Arrangements

The School shall inform employees who request a Tele-Work Arrangement whether they are eligible for such. If they are, the notice shall specify any additional information that the School requires as well as the employees' rights and responsibilities. If they are not eligible, the School shall provide at least one reason of the ineligibility determination.

IX. Length of Leave and Restoration Rights

A. General

In general, except for those employees taking Military Caregiver Leave, an employee will be entitled to a maximum of 12 weeks of Family and Medical Leave and 24 hours of Small Necessities Leave during any 12-month period. The 12-month period is a rolling period measured backward from the date an employee uses any leave under this policy. Each time an employee takes any Family and Medical Leave, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

B. Restoration Rights

At the end of a Family and Medical Leave or a Small Necessities Leave, an employee will generally have the right to return to his or her last position before the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. In returning from any of these leaves, the employee will not lose any benefit rights, such as vacation, to the extent that those benefit rights accrued before the leave period.

In the event that a Family and Medical Leave is extended beyond a level totaling 12 weeks of leave over 12 months the leave will become a "personal leave" and the School will consider the possibility of restoration but will not guarantee restoration. The determinations regarding whether to grant an extension and to grant restoration after an extension will be made in the School's discretion after considering factors such as the purpose of the leave extension, the employee's length of service, the employee's overall employment record, the employee's position, and the School's assessment of its needs.

X. Pay and Benefits

A. Pay

Family and Medical Leaves, Small Necessities Leaves are not paid leaves. However, an employee may substitute a paid leave for which the employee is eligible for otherwise unpaid leave. Such a substitution will be counted against the employee's use of leave. The leave will remain subject to all protections that would apply if the leave were taken on an unpaid basis. For example, if an employee takes an Employee Illness Leave, he or she may be entitled to the School's short-term disability pay under the School's policies. Employees who seek paid leave will need to meet the notice and qualification requirements under the paid leave policy.

If no other paid leave is available but an employee is eligible for accrued paid leave, such as vacation pay or paid personal days, the employee will be required to use that accrued leave during a leave under this policy until it is exhausted.

B. Maintenance of Health Benefits

During a Family and Medical Leave, the School will continue the employee's medical, dental, and vision insurance premiums, provided that the employee pays for the regular employee share of such coverage on a timely basis as if he or she had remained actively employed. During any paid leave, the employee share of the premiums will be deducted from the employee's pay. During the unpaid portion of a Family and Medical Leave, the employee will be required to pay the employee's share by delivering the payment so that it is received by the School no later than the 5th day of each month.

If the employee fails to return from the leave, the School may be entitled to recover from the employee the portions of medical, dental, and vision insurance premiums that were paid for by the School with respect to the unpaid portion of the leave. The School will be entitled to recover these amounts unless the employee's failure to return was due to a serious health condition or if there are other circumstances beyond the employee's control. If the employee states that he or she is unable to return from the leave because of a serious health condition, the School may require the employee to provide a medical certification.

C. Other Benefits

Group life insurance, voluntary life insurance, and long-term disability insurance will also be maintained during a Family and Medical Leave, subject to the same cost-sharing applicable to active employees.

XI. Medical Records

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, or government officials.