

7700 FAMILY AND MEDICAL LEAVE ACT (Rename MEDICAL AND PARENTAL LEAVE POLICY)

I. PHILOSOPHY AND PURPOSE

Weber School District is committed to fostering a supportive and compassionate work environment that recognizes the importance of health and family. We believe that employees should be able to focus on their personal well-being and family responsibilities without compromising their professional responsibilities or livelihood. The District values its employees and acknowledges the critical role they play in the success of the educational experience for students. We are dedicated to maintaining a fair and equitable approach to Family Medical Leave, Parental Leave, and Postpartum Leave, ensuring that all employees are treated with respect and receive the support they need in times of personal or family health crises.

II. POLICY

The purpose of the Medical and Parental Leave Policy at Weber School District is to provide employees with the necessary time off to address their health concerns or to care for a family member experiencing serious health issues. This policy outlines rights, responsibilities, and procedures related to Family Medical Leave, Parental Leave, and Postpartum Leave. This policy is in accordance with the Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2601, et seq. and state regulations.

III. DEFINITIONS

A. "Birth parent" means:

1. the biological mother of a child,
2. a man whose paternity of a child is established,
3. a man who has been identified as the father of a child by the child's birth mother who has not denied paternity, or
4. an unmarried biological father.

B. "Benefits Eligible Employee" means an employee who receives accrued leave.

C. "FMLA Eligible Employee" means any educational support professional or certified employee of the District who has been employed for at least 12 months by the District and who has worked at least 31 weeks (1,250 hours) in the year preceding the request for Family Medical leave under this policy.

D. "Full-time" refers to a work schedule in which an employee works 7.5 hours or more per day.

E. "Instructional Employee" means:

1. An "instructional employee" is one whose principal function is to teach and instruct students in a class, small group, or individual setting and includes not only teachers but also coaches, driving instructors, and special education assistants such as signers for the hearing impaired.

2. "Instructional employee" does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel (such as counselors, psychologists, or curriculum specialists) or non-teaching employees (such as cafeteria workers, maintenance workers, or bus drivers).
- F. "Health Care Provider" means a licensed doctor of osteopathy or medicine and other persons listed in the applicable regulation.
- G. "Paid leave hours" means leave hours the District provides to an employee who accrues paid leave benefits in accordance with District policies, including annual, vacation, sick, paid time off, or any other type of leave that may be taken while still receiving compensation. It includes but is not limited to paid parental leave or paid postpartum recovery leave.
- H. "Parent" means the biological or adoptive or step or foster parent of a child or any other person who stood in loco parentis to the employee when the employee was a son or daughter as defined in this policy.
- I. "Parental leave" means leave hours provided to a parental leave eligible employee.
- J. "Parental leave eligible employee" means an employee who is benefits eligible in accordance with District policies who is
1. a birth parent;
 2. legally adopting a minor child (except when the employee's spouse is the child's pre-existing parent);
 3. the intended parent of a child born under a validated gestational agreement under Utah Code Title 78B Chapter 15, Part 8; or
 4. appointed the legal guardian of a minor child or an incapacitated adult.
- K. "Postpartum recovery leave" means leave provided to a postpartum recovery leave eligible employee to recover from childbirth at 20 weeks or greater gestation.
- L. "Postpartum recovery leave eligible employee" means an employee who is benefits eligible who gives birth to a child at 20 weeks or greater gestation.
- M. "Son" or "Daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. A child is:
1. less than 18 years of age; or
 2. older than 18 years but incapable of self-care because of a mental or physical disability at the time leave is to commence.
- N. "Spouse" means a legal husband or wife.
- O. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

1. Inpatient care, consisting of an overnight stay in a hospital, hospice, or residential medical facility, together with any period of incapacity or any subsequent treatment in connection with that care.
2. Continuing treatment by a health care provider includes:
 - i. Incapacity and treatment, which is:
 - a. a period of incapacity of more than three (3) consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition;
 - b. which also involves:
 1. treatment two (2) or more times, within thirty (30) days of the first day of incapacity (unless extenuating circumstances as defined by regulation exist) by a health care provider or by a nurse or provider of health care services under the direct supervision of or under orders of or on referral by a health care provider, or
 2. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the health care provider's supervision.
 - ii. Pregnancy or prenatal care, which is prenatal care or any period of incapacity due to pregnancy, **including morning sickness**.
 - iii. A chronic condition, which is:
 - a. any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
 - b. A "chronic serious health condition" is one which:
 1. requires periodic visits (at least twice a year) for treatment by a health care provider or a nurse under direct supervision of a health care provider;
 2. continued over an extended period of time (including recurring episodes of a single underlying condition); and
 3. may cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, and so forth).
 - iv. Permanent or long term conditions
 - a. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
 - b. The patient must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
 - c. Examples of such conditions include Alzheimer's, a severe stroke, or the terminal stages of a disease.

v. Conditions requiring multiple treatments

- a. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or a provider of health care services under orders of or on referral by a health care provider for
- b. Either
 1. Restorative surgery after an accident or other injury or
 2. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) or kidney disease (dialysis).

vi. Absences relating to pregnancy or chronic conditions

- a. An absence related to pregnancy or chronic conditions (as described above) qualifies for FMLA leave even if no treatment is received and the absence does not last more than three consecutive calendar days. For example, inability to report for work because of the onset of an asthma attack or because of severe morning sickness.

P. "Short-Term Disability" refers to a temporary medical condition that prevents an employee from working for a limited period of time. Short-term disability benefits cannot exceed 15 weeks.

IV. FAMILY AND MEDICAL LEAVE

A. General FMLA Provisions

1. An eligible employee is entitled to a total of 12 work weeks of leave without pay during any 12-month period in the event of any of the following:
 - i. the birth of a son or daughter of the employee and to care for the newborn child;
 - a. an expectant mother may take Family Medical leave before the birth of the child for prenatal care or if her condition makes her unable to work.
 - ii. the placement of a son or daughter with the employee for adoption or foster care;
 - a. a father, as well as a mother, can take family leave for the birth, placement for adoption or foster care of a child.
 - iii. a spouse, son, daughter or parent who has a serious health condition; or
 - iv. the employee suffers from a serious health condition that makes the employee unable to perform the essential functions of that employee's position.

B. FMLA for Military Servicemembers

1. An eligible employee is entitled to a total of 26 work weeks of leave without pay during a 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty.

2. An eligible employee is entitled to a total of 12 work weeks of leave without pay during a single 12-month period for any qualifying exigency arising out of a covered servicemember family member who is on active duty or called to active duty status in support of a contingency operation. A qualifying exigency exists in the following circumstances:
 - i. Short-notice deployment;
 - ii. Military events and related activities;
 - iii. Child care and school activities;
 - iv. Financial and legal arrangements;
 - v. Counseling;
 - vi. Rest and Recuperation;
 - vii. Post-deployment activities;
 - viii. Parental care; and
 - ix. Additional activities not encompassed in the above but agreed to by the employee and the District.
3. Leave taken because of a military qualifying exigency shall be supported by a certification from the employee that includes:
 - i. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency which are sufficient to support the need for leave, including information on the type of qualifying exigency and any available written documentation which supports the request.
 - ii. The approximate date on which the qualifying exigency commenced or will commence.
 - iii. If the request is for leave for a single, continuous period of time, the beginning and end dates of the absence.
 - iv. If the request is for leave on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency.
 - v. If the exigency involves meeting with a third party, appropriate contact information for the person with whom the employee is meeting (such as the name, title, organization, address, telephone number, and email) and a brief description of the purpose of the meeting.
 - vi. If the exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders or other documentation indicating that such leave has been granted, and the dates of the leave.
 - vii. If the exigency is covered active duty or call to covered active duty status, then the first time that leave is requested because of that duty or call to duty, the employee

must provide a copy of the orders or other documentation showing the status or call to status and the dates of the covered active duty service.

4. Required Medical Certification for Military Caregiver Leave

- i. When leave is taken to care for a covered service member with a serious injury or illness, the employee must provide a certification which satisfies the requirements of 29 CFR § 825.310.

C. Advance Notice and Required Medical Certification

1. An eligible employee shall give the Director of Human Resources at least 30 days' notice when the leave is "foreseeable." When leave is not foreseeable, the employee shall provide notice within two (2) business days from when the employee learns of the need for leave. Failure to notify may result in denial of leave until 30 days after the employee provides notice.
2. An eligible employee shall make a reasonable effort to schedule treatment so as not to unduly disrupt the operations of the District.
3. All leave under this policy taken because of a serious health condition (of the employee or another) must be supported by a certification issued by a health care provider. (This requirement does not apply to leave taken for birth or adoption.)
 - i. The medical certification shall be provided at least fifteen (15) days after leave is requested **but before leave is taken**, or when the employee begins unforeseeable leave.
 - ii. A certification is sufficient if it states:
 - a. The name, address, telephone number, fax number, and type of practice or specialty of the health care provider.
 - b. The approximate date on which the serious health condition commenced.
 - c. The probable duration of the condition.
 - d. A statement or description of appropriate medical facts regarding the health condition for which the leave is requested which are sufficient to support the need for leave. (This may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medicine has been prescribed, referrals to other medical providers, or any regimen of continuing treatment.)
 - e. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions and the likely duration of such inability.
 - f. If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

- g. If intermittent or reduced-schedule leave is requested for planned treatment of a serious medical condition (of the employee or a family member), information sufficient to establish the medical necessity for such intermittent or reduced-schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery.
- h. If intermittent or reduced-schedule leave is requested for the employee's serious health condition (including pregnancy) that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced-schedule leave and an estimate of the frequency and duration of the episodes of incapacity.
- i. If intermittent or reduced-schedule leave is requested for to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.
- iii. The District may require the employee taking Family Medical Leave to provide a release to work from their health care provider prior to their return to work.

D. Spouses of Employees Employed by the District

- 1. In any case where spouses are employees of the District and both seek Family Medical leave under this policy, such leave shall be limited to an aggregate of the maximum allowed individual leave during any 12-month period if:
 - i. leave is sought to care for a newborn daughter or son or the adoption of a daughter or son; or
 - ii. leave is sought to care for a sick parent (does not include parents "in law").

E. Employer Notification

- 1. The District shall post in a conspicuous place on school premises a notice of rights under this policy. The notice must meet the criteria found in 20 CFR 825.300.
- 2. Upon receipt of a written request for Family Medical leave, the District will provide the employee written notification of the status of the leave request within five (5) working days.

F. ADA Leave Accommodations

- 1. If an employee has a disability that they believe is negatively affecting their ability to perform the essential functions of their position and seeks time off work as an accommodation, the employee should contact Human Resources to engage in the interactive process. This process determines if an employee meets the requirements, as outlined in the American with Disabilities Act (ADA), for reasonable accommodations in the workplace, and whether leave is a reasonable accommodation under the employee's circumstances.

2. If it is determined by Human Resources that leave is a reasonable accommodation for an employee's disability, the employee will first exhaust their FMLA leave, then short-term disability leave, and if additional leave is requested due to the employee's disability, Human Resources will address each request on a case-by-case basis to determine if additional leave is a reasonable accommodations.

V. SHORT TERM DISABILITY LEAVE

- A. Short-term disability benefits pay a percentage of an employee's salary if the employee becomes temporarily disabled, meaning that the employee is not able to work for a short period of time due to sickness or injury (excluding on-the-job injuries, which are covered by worker's compensation insurance) and the employee is unable to perform the essential functions and responsibilities of the employee's position.

1. Refer to Weber School District Short-term disability plan for details.
2. Contact Human Resources 801-476-7886 for more information.

VI. PARENTAL LEAVE ELIGIBILITY

- A. Beginning July 2025, a parental leave eligible employee who is full-time may take up to three (3) work weeks of paid parental leave in a 12-month period. The amount of leave for parental leave eligible employees who are part-time or who work more than full-time is the prorated amount reflecting the amount by which the employee works less than or more than full-time. This leave is additional to and is not charged against any other type of paid leave the employee has.
 1. The leave cannot be taken before the date of the event making the employee eligible for the leave and must be taken within six (6) months following the date of the qualifying event.
 2. The leave may not be used on an intermittent basis unless the District and the employee mutually agree in writing to intermittent use or unless a health care provider certifies that intermittent leave is medically necessary due to a serious medical condition of the child to whom the leave relates.
 3. This leave is consecutive to postpartum recovery leave but concurrent with Family Medical leave.
 4. The leave allowance is not increased if more than one child is born from the same pregnancy, more than one child is adopted, or the employee is appointed as the guardian of more than one child or incapacitated adult.
 5. An eligible employee shall give the District at least 30 days' notice before the date the employee plans to begin using parental leave unless circumstances beyond the employee's control prevent giving the notice. In that case, the employee shall give the notice as soon as reasonably practicable.

VII. POSTPARTUM RECOVERY LEAVE ELIGIBILITY

- A. Beginning July 2025, an postpartum recovery leave eligible employee who is full-time may take up to three (3) work weeks of paid postpartum recovery leave. The amount of leave for eligible employees who are part-time or who work more than full-time is the

prorated amount reflecting the amount by which the employee works less than or more than full-time. This leave is additional to and is not charged against any other type of paid leave the employee has.

1. The leave must be taken beginning with the date of birth unless a health care provider certifies that it is medically necessary to begin the leave earlier.
2. The leave must be used in a single continuous period unless prior written authorization otherwise is given by the Superintendent or the Director of Human Resources.
3. This leave is consecutive to parental leave but concurrent with Family Medical leave.
4. The leave allowance is not increased if more than one child is born from the same pregnancy.
5. An eligible employee shall give the District at least 30 days' notice before the date the employee plans to begin using postpartum recovery leave and before the date the employee plans to stop using postpartum recovery leave unless circumstances beyond the employee's control prevent giving the notice. In that case, the employee shall give the notice as soon as reasonably practicable.

VIII. FAMILY MEDICAL LEAVE FOR INSTRUCTIONAL EMPLOYEES

- A. If an eligible instructional employee needs intermittent leave or leave on a reduced schedule to care for a family member with a serious health condition or for a covered service member, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, the District may require the employee to choose one of the following options:
 1. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.
- B. If an eligible instructional employee begins Family Medical leave more than five (5) weeks before the end of a semester, the District may require the employee to continue taking leave until the end of the semester if:
 1. the leave will last at least three weeks; and
 2. the employee would return to work during the three-week period before the end of the term.
- C. If an eligible instructional employee begins Family Medical leave during the five-week period before the end of a semester because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember, the District may require the employee to continue taking leave until the end of the term if:

1. the leave will last more than two weeks, and
 2. the employee would return to work during the two-week period before the end of the term.
- D. If an eligible instructional employee begins leave during the three-week period before the end of a semester because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than five working days.
- E. If an employee is required to take leave until the end of a semester under subsection (B) (C), or (D) only the period of leave until the employee is ready and able to return to work shall be charged against the employee's Family Medical leave entitlement.
- F. Leave taken for a period that ends with the school year and continues at the beginning of the next school year is not considered intermittent but is considered consecutive. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's Family Medical leave entitlement. An instructional employee who is on Family Medical leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

IX. BENEFITS AND PROTECTION

- A. An employee who takes leave in conformance with this policy is entitled to:
1. be restored to the position held by the employee prior to leave; or
 2. be provided an equivalent position in terms of benefits, pay and responsibilities.
- B. The use of Family Medical leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- C. For highly compensated employees, some restrictions apply.
- D. During an employee's leave under this policy, the District will maintain the employee's coverage under any group health plan at the level and under the conditions it would have been provided if the employee had not taken leave. If an employee fails to return to work after leave expires for reasons other than continuation, recurrence, or onset of a serious health condition of the employee, son, daughter, or spouse, then the District may recover the premium paid for maintaining coverage for the employee during the leave period.
- E. The District will not discriminate against any employee for exercising or attempting to exercise any right under this policy.

X. MATERNITY/ADOPTION LEAVE

- A. If an employee does not qualify for FMLA or parental, postpartum leave, they may take up to 42 calendar days (6 weeks) from the birth of the child, or placement of the child for adoption into the employees home. During this time employees can claim a maximum of 30 days of their accrued leave. If no accrued leave is available, employees can take time off using leave without pay.

XI. CONCURRENT USE OF LEAVE

A. “Concurrent leave” means the use of multiple types of leave taken at the same time in accordance with applicable federal, state, and local laws.

1. FMLA and Paid Leave:

- i. If an employee is eligible for FMLA leave, the ~~District Company~~ may require that any accrued paid time off (e.g. vacation, personal, or sick leave) be used concurrently with the FMLA leave.
- ii. Once accrued paid leave is exhausted, any remaining FMLA leave will be unpaid unless otherwise provided under state or local law.

2. FMLA, ADA, Short-Term Disability or Workers’ Compensation Leave:

- i. Leave taken for an employee’s own serious health condition or disability that also qualifies as a disability under the ADA, under a disability benefits plan, or workers’ compensation leave will be designated and counted toward the employee’s 12-week FMLA entitlement.

3. State or local leave laws

- i. Where state or local family and medical leave laws apply, the ~~District Company~~ will apply those laws in coordination with FMLA and paid leave policies.

4. Notice and Designation

- i. Weber School District will inform employees when their leave qualifies as FMLA leave and will designate it as such in writing. Employees must comply with Weber School District’s usual procedures for requesting leave, except in cases of emergency.