

Descriptor Term: FAMILY MEDICAL LEAVE	Descriptor: GCCAC/GDCB	Issued: Draft
	Rescinds: New	Issued:

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. An “eligible employee” (a) has been employed by the District for at least 12 months and (b) has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.
2. “Employee’s spouse” means husband or wife as defined by Mississippi Law.
3. “Employee’s son or daughter” means biological child, adopted child or foster child, a step child, legal ward, or the child for whom the employee is standing in loco parentis, who is either under the age of 18, or age 18 or older and incapable of self-care because of a mental or physical disability.
4. “Employee’s parent” means biological parent, adoptive, step or foster father or mother, or any other individual who stood (or now stands) in loco parentis to an employee when the employee was a child (not to include parents-in-law).
5. “Employee’s immediate family member” means spouse, son or daughter, grandchild, or parent, as defined above.
6. For the purposes of FMLA “serious health condition” means an illness, injury, impairment or physical or mental condition that involves either inpatient care (overnight stay) in a hospital, hospice or residential medical care facility, or continuing treatment by a healthcare provider.
7. “Healthcare provider” means a licensed medical physician, nurse practitioner, dentist, psychologist, and chiropractor.
8. The 12-month period is defined as a “rolling year:” the 12-month eligibility period begins on the date leave is first taken and ends 12 months after that date.

B. LEAVE PROVISIONS

An eligible employee is entitled to up to 12 unpaid work weeks (60 work days) during any 12-month period for any one or more of the following reasons:

1. The birth of a son or daughter, and to care for the newborn child (within 12 months of birth).
2. The placement of a child with the employee for adoption or foster care (within 12 months of the placement).
3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition.
4. The employee’s own serious health condition which makes the employee unable to perform the function of his/her job.

Any person taking unpaid FMLA leave is required to concurrently utilize all paid leave benefits as part of the 12 weeks of leave. However, when an FMLA leave is not unpaid due to workers’ compensation or pursuant to a disability benefit plan, the utilization of the employee’s accrued paid leave is inapplicable. The District and the employee may agree in writing, to have paid leave supplement the disability plan benefits or workers’ compensation benefits, such as in the case where a plan only provides replacement income for two-thirds of an employee’s salary. This use of paid leave does not extend the 12 weeks of FMLA leave.

C. NOTICE REQUIREMENTS

1. Employees must provide the District at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable, based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or family member.

2. Failure to give 30 days notice for foreseeable leave may result in the denial of the taking of FMLA leave until at least 30 days after the date the employee provides notice.
3. If the need for FMLA leave is unforeseeable, notice must be given as soon as practicable, or at least verbally within one or two working days of when the need for leave becomes known to the employee. This verbal notice is to be followed by written notice.

D. REQUIRED CERTIFICATION

An eligible employee shall provide the District certification of a serious health condition for himself/herself or a family member. The certification, to be signed by the health care provider, shall be attached to the required written notice or submitted in a timely manner which shall be no more than fifteen (15) working days after providing written notice. No FMLA leave period may begin without the approval of the superintendent or designee. No approval shall be granted by the superintendent or designee without the required written notice and certificate.

The certificate shall include the following:

1. The date on which the serious health condition began.
2. The probable duration of the condition.
3. Appropriate medical facts regarding the condition.
4. A statement that the employee is needed to care for a spouse, parent or child along with an estimate of the time required, or that the employee is unable to perform his/her functions, and, in the case of intermittent leave, the duration of treatment to be given.
5. Signature (not stamped) of healthcare provider.

The District may require that a second opinion be obtained at the District's expense. In the event of conflicting opinions, the District may pay for a third and final provider to offer a binding decision. The District may require subsequent written re-certification on a reasonable basis.

E. EMPLOYMENT BENEFITS PROTECTION

1. An employee who completes a period of leave and has complied fully with the terms of this policy shall be returned either to the same position he/she had before the taking of leave or to a position which is genuinely equivalent in pay, benefits, and other terms and conditions of employment.
2. The taking of leave shall not result in the loss of any previously accrued seniority or employment benefits. Except for health benefits, no other benefits will accrue during the leave period.
3. Health benefits shall continue through an employee's 12-week leave period. The District may recover health coverage premiums paid for an employee who fails to return from leave, except no recovery will be made from an employee who fails to return from leave if the reason is the continuation, recurrence, or onset of a serious health condition or something else beyond the employee's control.
4. Special rules for taking leave by an instructional employee exist for leave taken near the end of a semester. In general, the District may require that more leave be taken than desired, depending on the length of leave sought and the timing in proximity to the end of a semester. If this situation occurs, the superintendent or designee will advise the employee as to these requirements.

MILITARY FAMILY LEAVE

An eligible employee is entitled to up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period. An employee is eligible to take FMLA leave because of a qualifying exigency when the covered military member is on active duty or called to active duty status (see GCCAC-R).

Legal Ref: Family Medical Leave Act of 1993
National Defense Authorization Act of 2008