

Document Status: Draft Update

General Personnel

5:185 Family and Medical Leave

Please refer to the current “Agreement between the Board of Education, School District #74, Lincolnwood, Illinois, and the Lincolnwood Teacher’s Association, Local 1274 IFT/AFT, AFL-CIO and the Lincolnwood Support Staff Union, Local 1274 IFT/AFT, AFL-CIO for additional information, if applicable.”

For employees not covered by this agreement:

Leave Description

Eligible employees may use unpaid family and medical leave, guaranteed by the federal Family and Medical Leave Act. The U.S. Department of Labor’s rules (federal rules) implementing FMLA, as they may be amended from time to time, control FMLA leave.

An eligible employee shall be granted FMLA leave for up to twelve (12) weeks per rolling 12-month period.

During a single 12-month period, an eligible employee’s FMLA leave entitlement may be extended to a total of 26 weeks of unpaid leave to care for a covered servicemember (defined in the federal rules) with a serious injury or illness. The “single 12-month period” is measured forward from the date the employee’s first FMLA leave to care for the covered servicemember begins.

Other available paid vacation, personal, or family leave will be substituted for family and medical leave necessitated by birth, adoption/foster care placement, or a family member’s serious health condition. Other available paid vacation, personal, or sick leave will be substituted for family and medical leave necessitated by a family member’s or employee’s own serious health condition. Any substitution required by this policy will count against the employee’s family and medical leave entitlement. The District will pay family leave or sick leave only under circumstances permitted by the applicable leave plan. Use of family and medical leave shall not preclude the use of other applicable unpaid leave that will extend the employee’s leave beyond 12 weeks, provided that the use of family and medical leave shall not serve to extend such other unpaid leave.

Family and medical leave is available in one or more of the following instances:

1. the birth and first-year care of a son or daughter;
2. the adoption or foster placement of a child;
3. the serious health condition of an employee’s spouse, parent, or child; and
4. the employee’s own serious health condition.

Employees may take an intermittent or reduced-hour family and medical leave when the reason for the leave is 3 or 4, above, with certain limitations provided by law.

Within 15 calendar days after the Superintendent makes a request, an employee must support a request for a family and medical leave when the reason for the leave is 3 or 4, above, with a certificate completed by the employee’s or family member’s health care provider. Failure to provide the certification may result in a denial of the leave request.

If both spouses are employed by the District, they may together take only 12-weeks for family and medical leaves when the reason for the leave is 1 or 2, above, or to care for a sick parent.

Eligibility

To be eligible for family and medical leave, an employee must either:

1. Have been employed by the District for at least 12 months (the 12 months need not be consecutive) and have been employed for at least 1,000 ~~250~~ ^{PRESSPlus1} hours of service during the 12-month period immediately before the beginning of the leave, or
2. Be a full-time classroom teacher.

Notice

If possible, employees must provide at least 30 days’ notice to the District of the date when a leave is to begin. If 30 days’

notice is not practicable, the notice must be given within 2 business days of when the need becomes known to the employee. Employees shall provide at least verbal notice sufficient to make the District aware that he or she needs a family and medical leave, and the anticipated timing and duration of the leave. Failure to give the required notice may result in a delay in granting the requested leave until at least 30 days after the date the employee provides notice.

Continuation of Health Benefits

During a family and medical leave, employees are entitled to continuation of health benefits that would have been provided if they were working.

Return to Work

An employee returning from a family and medical leave will be given an equivalent position to his or her position before the leave, subject to the District's reassignment policies and practices.

Classroom teachers may be required to wait to return to work until the next semester in certain situations as provided by law.

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

LEGAL REF.:

~~Family and Medical Leave Act~~, 29 U.S.C. §2601 et seq., Family and Medical Leave Act, 29 C.F.R. Part 825.

105 ILCS 5/24-6.4.

CROSS REF.: 5:180 (Temporary Illness or Temporary Incapacity), 5:250 (Leaves of Absence), 5:330 (Sick Days, Vacation, Holidays and Leaves)

ADOPTED: February 5, 2015

REVISED: September 2, 2021

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Comments: Brian Bare asked us to put in for additional information, if applicable on all such policies 9/2/21

PRESSPlus Comments

PRESSPlus 1. A provision in State law expands eligibility for FMLA leave to school district employees who have been employed by the district for at least 12 months and work 1,000 hours (rather than the federal FMLA's 1,250 hours) in the 12-month period immediately preceding the leave, which effectively makes more educational support personnel eligible for the leave. 105 ILCS 5/24-6.4, added by P.A. 102-335. **Issue 108, November 2021**