

Infinity Charter School

SECTION: PROFESSIONAL STAFF

TITLE: FAMILY & MEDICAL LEAVE

APPROVED: January 25, 2004

435: FAMILY & MEDICAL LEAVE

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| 1. Purpose
P.L. 103-3
of 1993 | The purpose of this policy is to address certain leave of absence issues and to ensure the school district's compliance with the Family and Medical Leave Act. |
| 2. Delegation of
Responsibility | The CAO/Director shall develop administrative guidelines regulating leaves and ensuring the school's compliance with the Family and Medical Leave Act (hereinafter referred to as "FMLA"). Although the details of the guidelines are to be left to the discretion of the CAO/Director, the guidelines must adhere to the following basic principles: |
| 3. Guidelines | <ol style="list-style-type: none"> 1. Required notices shall be posted in the school building. 2. Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the school designates a leave as an FMLA leave. 3. All requests for leave, (both FMLA leave and non-FMLA leave) shall be made in writing on forms developed by the CAO/Director. The forms shall request sufficient information from which it may be determined whether the leave qualifies as an FMLA leave. 4. If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, School policy or statutory mandate, the employee may utilize said leave during the FMLA at his/her discretion. 5. Medical certification forms as allowed by the FMLA shall be required whenever authorized by the FMLA. 6. Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in <i>violation of a collective bargaining agreement</i> or where the employee has taken a paid leave concurrent with the FMLA leave and school policy and practice heretofore has not required a fitness-for-duty certificate to be provided. |

7. Seniority shall accrue during FMLA leaves for all purposes and credit shall be given during FMLA leaves for accruals for their leaves. Employees would not be eligible for the seniority step increase in the salary schedule in the subsequent year if they were not in a paid status for the amount of days stipulated in the teacher's agreement.
8. For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave "in any twelve-month period," the District shall utilize the contract year of July 1-June 30.
9. Employees are not required to utilize FMLA leave whenever they qualify for other available full-day leave to which they may be entitled.
10. An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition or if the employee has a serious health condition, if:
 - a. the employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures); or
 - b. the employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.
11. Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the Family and Medical Leave Act. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the Act.