

Personnel - Certified**Family or Medical Leave**

All certified employees who have been employed for over a year and who have worked at least 1,250 hours during the preceding twelve month period are eligible to take a leave of absence of up to twelve weeks during any twelve month period for any of the following reasons:

- the birth of a child or upon receiving a child for foster care or adoption (limited to the first twelve months after birth, foster care, or adoption.)
- to care for a child, spouse, or parent who has a serious health condition
- when unable to perform his/her job functions because of a serious health condition

Employee benefits shall be paid pursuant to the provisions of the current Board of Education/Employees contract for the period while those benefits are available. Once any paid leave is used up, the remainder of the family or medical leave shall be unpaid.

An employee shall notify the Superintendent or his/her designee, in writing, of the leave with a least thirty days advance notice when the leave is foreseeable. In cases of medical emergency or after an unforeseen event, advance notice is NOT required, however, the Superintendent or his/her designee must immediately be informed in writing. The Superintendent or his/her designee shall acknowledge the leave request by written communication to the employee. The employee and the Superintendent or his/her designee shall agree upon the date of initiation of the family or medical leave. If an employee wishes to extend a leave beyond the twelve week period specified by the law, a request for an unpaid leave of absence must be made to the Board of Education as per Policy 4151.7 or Policy 4152. An employee, who does not return to work after the twelve week leave ends and who has not been granted an unpaid leave of absence by the Board of Education, may be terminated.

The Board of Education may require that a request for leave be supported by certification from a doctor or other health care provider.

If the Board doubts the validity of the certification, it may require, at its own expense, the opinion of a second health care provider NOT employed by the Board on a regular basis. When a difference of opinion exists, the Board, at its own expense, may require the employee to obtain the opinion of a third health care provider who is approved jointly by the Board and the employee. The determination of the third health care provider shall be final and binding on both the Board and the employee.

Employees shall NOT be entitled to an accrual of seniority or employment benefits that would have accumulated during the period of leave.

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If two individuals married to each other work for the Brookfield Board of Education and both intend to take advantage of a family or medical leave, the aggregate amount of leave available to the spouses for the same cause or event shall not exceed twelve weeks.

The Board of Education shall provide the same level of health insurance benefits that would have been provided if the employee had continued in employment continuously for the duration of the leave. In the event that an employee does not return at the end of the leave, the Board may recover from the employee the premiums paid to maintain the employee's health benefits, while on leave, unless the failure to return is a consequence of the continuation, reoccurrence, or onset of a serious health condition or other circumstance beyond the employee's control.

The Board of Education shall restore the employee to his/her previous position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

An employee may NOT take an intermittent leave or work a reduced schedule unless the Board of Education agrees, or unless such an arrangement is medically necessary. In the latter case, the Board may require the employee to transfer temporarily to another position having equivalent pay and benefits, if that position better balances the employee's recurring periods of leave.

If a teacher/administrator would be on leave for greater than twenty percent of the total number of working days during which the leave would extend, the Board of Education may require the teacher/administrator to choose between:

1. being temporarily transferred to a position outside of the classroom which has equivalent pay and benefits; or
2. taking continuous leave for the entire period rather than a leave on an intermittent basis.

If a teacher/administrator is scheduled to return from a leave near the end of the school year, the teacher/administrator may be required to extend the leave through the end of the semester (with pay) if he/she would otherwise have returned within the last two or three weeks of the semester's end, depending on when the leave began and its duration. This applies in three instances:

1. When a teacher/administrator begins a leave of absence of a least three weeks duration more than five weeks before the end of the semester, and the teacher/administrator is scheduled to return to school during the last three weeks of such semester;
2. When a teacher/administrator begins a leave of at least two weeks duration within the five-week period preceding the end of the semester, and the teacher is scheduled to return to school during the last two weeks of such term; and,

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3. When a teacher/administrator begins a leave of at least five days duration within the three-week period preceding the end of the semester.

In each of these three instances, the Board of Education may require the teacher/administrator to extend his or her leave until the end of the semester in order to afford the teacher/administrator the needed leave without interrupting the education process at a critical point in the school year. In such cases, the teacher/administrator possesses the same rights to reemployment and continuation of health insurance benefits as previously stated.

RECORDS

The Family and Medical Leave Act (FMLA) requires employers to maintain records in accordance with FMLA of the Fair Labor Standards Act and in accordance with FMLA regulations. FMLA regulations require that such records disclose the following:

1. Name, address and occupation of the employee; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid;
2. Dates FMLA leave is taken by employees. Leave must be designated in records as FMLA leave;
3. If FMLA leave is taken in increments of less than one full day, the hours of the leave;
4. Any written notice of FMLA leave given by the employee, and copies of all notices given to employees as required by law and by this policy;
5. Any documents describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves;
6. Payment of any employee benefits premiums; and
7. Records of any dispute regarding designation of leave as FMLA leave, including any written statement from the Board or any employee of the reasons for the designation and for the disagreement.

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Medical Records

Records and documents relating to medical certification, re-certifications or medical histories of employees or employees' family members, shall be maintained in separate files/records and treated as confidential medical records.

(cf. 4151.7 - Emergency/Personal Leave)
(cf. 4152 - Long Term Leave)

Legal References: P.L. 103-3 The Family and Medical Leave Act of 1993
 CFR Part 825

Policy
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BROOKFIELD PUBLIC SCHOOLS
Brookfield, Connecticut