

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

ADMINISTRATIVE REGULATION No. 344

CERTIFIED STAFF

FAMILY AND MEDICAL LEAVE ACT

Effective upon the termination of collective bargaining agreements or February 5, 1994, whichever comes first, the Carson City School District regulations for the Family and Medical Leave Act are as follows:

Eligible Employees

Employees are eligible under the Family and Medical Leave Act if they worked for the Carson City School District for at least 12 months and for at least 1,250 hours during the months preceding the Family and Medical Leave Act leave. Subject to the conditions of this regulation, eligible employees may request up to twelve (12) weeks family and medical leave during a twelve-month period.

Any employee who works principally in an instructional capacity who would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, may be required to take leave for periods of particular duration or transfer temporarily to an alternative equivalent position that better accommodates the leave.

Any employee who works primarily in an instructional capacity and who requests a period of leave near the conclusion of the academic term, may be required to continue the leave until the end of the term.

Permissible Purposes of Family and Medical Leaves

An eligible employee may request a family and medical leave for any of the following reasons:

- 1) The birth of the employee's child;*
- 2) The placement of a child with the employee in connection with an adoption or foster care;*
- 3) To care for a child, parent, or spouse who has a serious health condition;*

*In a situation where both spouses are employed by Carson City School District, the family unit is only entitled to an aggregate 12-week maximum leave period. If one spouse is ineligible for FMLA leave, the eligible spouse is entitled to the full leave period. If each spouse is entitled to the full leave period and if each spouse has used less than the 12-week leave for qualified purposes, each would be entitled to the unused portion of the 12 week entitlement.

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- 4) Due to a serious health condition that prevents the employee from performing the functions of his position.

Any leave of absence that is granted to an employee under this policy or any other policy for a purpose specified above shall be credited against the 12-week limit contained in this policy.

Leave taken to care for a new born or newly-adopted child must be completed within 12 months after the birth or adoption. Leave taken to care for a terminally ill child may be taken only once for any given child. The District may require confirmation by a health care provider of the employee's need for family leave.

"Child" is defined as a biological, adopted or foster child, a stepchild, a legal ward who is under 18 years of age or incapable of self care due to a mental or physical disability. A "serious health condition" is one caused by injury, illness, impairment, or physical or mental condition that involves (a) inpatient care or (b) continuing treatment by a health care provider.

Benefits During Leave

An employee who is granted a family and medical leave of absence must utilize any accrued vacation and other applicable paid time off during the period of the leave. Any portion of a leave that occurs after all vacation and other applicable paid time off have been exhausted shall be without pay. For purposes of this policy's 12-week limitation, any paid and unpaid portions of the leave of absence shall be added together whether or not they are taken consecutively.

Health insurance benefits ordinarily provided by the Carson City School District, and for which the employee is otherwise eligible, will be continued during the period of the leave. The Carson City School District will continue to pay its share of the premiums for the period of the leave, up to a maximum of 12 weeks. The cost of dependent coverage normally borne by the employee will remain the sole responsibility of the employee. The employee must pay his share of the premiums for dependent coverage by making timely payments to the Carson City School District, in care of the Accounting Department, at the same time as such payments would be made if they were paid via payroll deductions. The employee should make arrangements with the Accounting Department to pay the cost of such dependent coverage.

Notification Rules

An employee must provide proper notification as a condition of eligibility for this leave. The employee must notify the Human Resources Office in writing of the need for such a leave, the date it will commence, and the anticipated duration of the leave. The employee must provide 30 days advance notice, unless the family leave is not foreseeable, in which case the employee must notify the District of the expected leave within one (1) working day of the beginning of the leave. A failure to comply with these notice rules may result in denial or postponement of the requested leave. However, if the need for a family and medical leave results from an emergency or is

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otherwise unforeseeable, the leave will not be denied simply because an employee fails to provide advance notice.

Certification By Health Care Provider

If an employee requests a leave due to a serious health condition of the employee or a family member, the employee must support the request with a certification issued by the health care provider of the individual with the serious health condition. The certification should include the following information:

- 1) The date, if known, on which the serious health condition commenced;
- 2) The probable duration of the condition;
- 3) An estimate of the amount of time that the health care provider believes that the employee needs to care for the individual requiring the care; and
- 4) A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care. If an employee requests intermittent leave for planned medical treatment, the certification should specify the dates on which such treatment is expected to be given and the duration of such treatment. If the time estimated by the health care provider under (3) above expires, the employee must submit a recertification if the employee desires additional leave. In addition, extensions will not be granted that cause the total period of the leave to exceed the 12-week limitation identified above.

Reemployment Privileges

An employee who complies with the provisions of this policy will be guaranteed reemployment upon expiration of an approval leave, provided that the total period of the leave does not exceed 12 weeks. The employee will be reemployed in the same or an equivalent position as that which he occupied when the leave commenced. An employee who takes a leave because of his own serious health condition must provide a medical certification verifying that he is able to return to work in the same manner as employees who return from other types of medical leave. If an employee fails to return for work immediately following the expiration of the approved leave, the employee will be considered to have voluntarily separated from the Carson City School District's employ.

Adopted: January 25, 1994