

## **FAMILY AND MEDICAL LEAVE**

The Board of Education believes there is a need for promoting the economic security of its employees and their families by safeguarding to the extent possible the jobs of those employees who need or choose to take a period of medical or family leave. The Board, therefore, declares that its eligible employees shall be entitled to such medical or family leave, pursuant to the terms of this Policy, without the risk of termination or retaliation for taking such leave.

**Eligibility** – Employees may be eligible for family or medical leave under School policy, after working for the District for at least one year, provided they also satisfy the leave-specific eligibility criteria.

### **MEDICAL LEAVE**

**Procedure** – Eligible employees who worked at least 1250 hours in the twelve (12) months immediately prior to the first day of leave and who are suffering from a serious medical condition which renders them unable to work, may request up to twelve (12) weeks of leave in any twelve (12) month period. A serious medical condition is defined as in-patient care at a hospital, hospice, or residential medical facility, or continuing care by a doctor of medicine or osteopathy. Employees will be required to submit a medical certification from a licensed physician documenting the serious medical condition using a form supplied by the Board.

Employees are required to give notice ninety (90) days prior to the anticipated first day of leave, if they know of the need for leave at that time. At a minimum, employees are required to request leave at least thirty (30) days prior to the anticipated first day of leave, except in emergency situations, when notice must be given as soon as possible. If an employee has at least thirty (30) days prior notice of leave and fails to provide timely notice, the starting date of the leave could be delayed.

Leave may be consecutive (multi-day or multi-week increments), intermittent (separate blocks of time due to a single qualifying reason) or reduced leave (leave schedule that reduces an employee's usual number of hours per workday, generally a schedule change from full-time to part-time), depending on medical necessity as determined by the health care practitioner. Leave can be taken in increments of as little as one hour. For teaching staff members only, where a reduced or intermittent leave will require the employee to be absent more than 20% of the total number of working days during the period the leave will extend, the District may require the employee to choose either to take a consecutive (rather than intermittent or reduced) leave for the full period of the proposed leave or to transfer temporarily to an alternative position for which he/she is qualified (if available) and which better accommodates recurring periods of leave than the employee's regular position.

**Benefit Continuation and Return to Work Rights** – Throughout an approved medical leave of absence, the District will continue medical insurance coverage for faculty and staff under the same terms that medical insurance coverage was offered prior to the leave.

**FAMILY AND MEDICAL LEAVE (continued)**

If an employee fails to return to work upon the scheduled expiration of the leave of absence for reasons other than a documented continuing serious health condition, the District will exercise its right to recover from the employee the amount of the premium cost which it paid for the employee's health insurance coverage during the term of the medical leave, and will treat the employee's failure to return as a voluntary resignation without notice. Any employee who fails to return to work at the scheduled expiration of the leave of absence may forego any right to continued employment with the District.

Employees taking an approved medical leave of absence will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status or responsibility, if they return from the leave on the agreed upon date (including any approved extension), and the entire medical leave lasts no more than twelve (12) weeks. If an approved leave lasts longer than twelve (12) weeks, then the District may return the employee to the former position if available or another position substantially equivalent compensation, benefits, status and responsibility, provided such position is available at the time the employee intends to return from leave and the employee is qualified for the position.

The employee will be entitled to all of the same benefits awarded to employees during an approved leave as if the employee was actively at work. Likewise, in the event an employee's position is eliminated while the employee is on a leave of absence and the employee otherwise would be subject to layoff, the employee will have the same layoff rights and restrictions he/she would have had if he/she was actively at work. The employee will not suffer the loss of any preferred eligibility or recall rights as a result of his/her taking leave pursuant to this Policy.

Returning employees will be placed on the appropriate grade and step, which will be determined on the basis of days worked immediately prior to starting the leave. Any staff member, who is absent from work on a leave of absence which is fully or partially paid, or which does not exceed 30 calendar days in an academic year, will be credited with a full year of service for that academic year. Any staff member who is absent on one or more unpaid leaves of absence which exceed thirty (30) calendar days in any academic year will not be credited with seniority for the length of time absent in excess of thirty (30) days.

**Salary Continuation During Medical Leave** – In an effort to allow employees to continue to receive pay while absent on an approved medical leave, if the employee requests, the District will apply available sick leave days to the employee until either the employee's benefits are exhausted or he/she returns to work. After all sick leave days are exhausted, an employee on medical leave may apply for available state temporary disability benefits.

**FAMILY LEAVE**

**Procedure** – Eligible employees who worked at least 1000 hours in the twelve (12) month period immediately prior to the first day of leave, may request up to twelve (12) weeks of unpaid family leave in any twelve (12) month period. Family leave may be requested to care for a newly born child or a child newly placed for adoption or foster care, or to care for an immediate family member (parent, parent in-law, child, spouse) suffering from a serious medical condition which renders the immediate family member unable to work, attend school, or to care for him/herself.

**FAMILY AND MEDICAL LEAVE (continued)**

Employees will be required to submit a medical certification from a physician, documenting the serious medical condition of the immediate family member.

Employees are required to give notice ninety (90) days prior to the anticipated first day of leave, if they know of the need for leave at that time. At a minimum, employees are required to request leave at least thirty (30) days prior to the anticipated first day of leave, except in emergency situations, when notice must be given as soon as possible. If an employee has at least thirty (30) days prior notice of leave and fails to provide timely notice, the starting date of the leave could be delayed.

Leave to care for an immediate family member may be consecutive (multi-day or multi-week increments), intermittent (separate blocks of time due to a single qualifying reason) or reduced leave (leave schedule that reduces an employee's usual number of hours per workday, generally a schedule change from full-time to part-time), depending on medical necessity as determined by the health care practitioner. Leave can be taken in increments of as little as one hour. For teaching staff members only, where a reduced or intermittent leave will require the employee to be absent more than 20% of the total number of working days during the period the leave will extend, the District may require the employee to choose either to take a consecutive (rather than intermittent or reduced) leave for the full period of the proposed leave or to transfer temporarily to an alternative position for which he/she is qualified (if available) and which better accommodates recurring periods of leave than the employee's regular position.

Leave to care for a new child may be consecutive, intermittent or reduced, but intermittent or reduced leave requires Board approval and will not automatically be granted. Leave to care for a new child must commence within the first year of the child's life or placement.

**Benefit Continuation and Return to Work Rights** – Throughout an approved family leave of absence, the District will continue medical insurance coverage for the employee under the same terms which medical insurance coverage was offered prior to the leave.

If an employee fails to return to work on the scheduled expiration of the leave of absence, without obtaining an extension, the District may exercise its right to recover from the employee the premium cost which it paid for the employee's health insurance coverage during the length of the leave, and will treat the employee's failure to return as a voluntary resignation without notice. Employees seeking an extension of an approved leave that will expire prior to the end of the current academic year in June must submit their request to the District at least two (2) weeks prior to expiration of the approved portion of the leave. Any employee whose approved leave is scheduled to continue through the end of the current academic year in June must notify the District by March 1 if he/she intends to return to work as of the beginning of the next academic year. Any employee who fails to return to work at the scheduled expiration of the leave of absence or to provide notification by March 1 may forgo any right to continued employment with the District.

Employees taking an approved family leave will be entitled to reinstatement to their former position, or to another position of substantially equivalent compensation, benefits, status and responsibility, if they return from the leave on the agreed upon date and the entire family leave lasts no more than twelve (12) weeks. If an approved leave lasts longer than twelve (12) weeks, then the District may return the employee to the former position if available or another

**FAMILY AND MEDICAL LEAVE (continued)**

position substantially equivalent compensation, benefits, status and responsibility, provided such position is available at the time the employee intends to return from leave and the employee is qualified for the position.

The employee will be entitled to all of the same benefits awarded to employees during an approved leave as if the employee was actively at work. Likewise, in the event an employee's position is eliminated while the employee is on a leave of absence and the employee otherwise would be subject to layoff, the employee will have the same layoff rights and restrictions he/she would have had if he/she was actively at work. The employee will not suffer the loss of any preferred eligibility or recall rights as a result of his/her taking leave pursuant to this Policy.

Returning employees will be placed on the appropriate guide and step, which will be determined on the basis of days worked immediately prior to starting the leave. Any staff member, who is absent from work on a leave of absence which is fully or partially paid, or which does not exceed 30 calendar days in an academic year, will be credited with a full year of service for that academic year. Any staff member who is absent on one or more unpaid leaves of absence which exceed thirty (30) calendar days in any academic year will not be credited with seniority for length of time absent in excess of thirty (30) days.

**Salary Continuation During Family Leave** – Family leave is unpaid. Employees may not use sick leave benefits during a family leave.

**ADDITIONAL PARENTAL LEAVE**

In addition to the leave entitlement described in this policy, every tenured employee may be granted additional leave, without pay, following the birth, adoption, and/or foster care placement of children.

If the employee's family leave is to begin between September 1 and December 31, the employee may be granted the balance of one (1) full school year, that is, start of leave through June 30<sup>th</sup> of the school year in which leave is taken. Such leaves may be taken at the sole discretion of the Board and/or the Administration.

In addition to any leave taken in the prior year between September 1, and June 30, as stated in the paragraph above, the employee may be granted, at the sole discretion of the Board and/or the Administration, leave during the succeeding school year, that is September 1<sup>st</sup> through June 30 inclusive.

If the employee's family leave is to begin between January 1 and June 30, the employee may be granted the following school year (September through June) in addition to any leave taken in the year the leave was taken (between January 1 and June 30).

Such extension(s) of leave may be granted for any additional and reasonable period of time, provided, however, that it is understood by the employee that the Board reserves, at all times, its right to alter and/or change the additional requested dates for leave hereunder if such additional extension of leave, in the sole opinion of the Board and/or the Administration, would substantially interfere with the administration of the school(s) and/or would, in the sole opinion

**FAMILY AND MEDICAL LEAVE (continued)**

of the Board and/or the Administration, interfere with the educational welfare of the student(s), the student's (s') right to a continuous and uninterrupted educational schedule and program and/or the student's (s') right to a thorough and efficient educational in the Old Tappan Elementary School system.

**Legal References:**

<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-2	Physical examinations
<u>N.J.S.A.</u> 18A:16-4	Sick leave; dismissal
<u>N.J.S.A.</u> 18A:16-16	Termination of Coverage
<u>N.J.S.A.</u> 18A:16-17	Premium payment by Boards of Education; Contribution
<u>N.J.S.A.</u> 18A:17-1, et seq.	Employment and contracts
<u>N.J.S.A.</u> 18A:27-4, et seq.	Employment in districts governed by rules for employment
<u>N.J.S.A.</u> 18A:28-8	Termination of employment
<u>N.J.S.A.</u> 18A:30-1, et seq.	Leaves of Absence
<u>N.J.S.A.</u> 34:11B-1, et seq.	N.J. Family Leave Act
<u>N.J.A.C.</u> 13:14-1.1, et seq.	Regulations to N.J. Family Leave Act
<u>N.J.S.A.</u> 43:21-25, et seq.	Temporary Disability Benefits Law
<u>N.J.A.C.</u> 6:3-5.1	Seniority
<u>29 U.S.C.</u> 2601, et seq.	Family and Medical Leave Act (federal)
<u>29 C.F.R.</u> 625	Regulations to Federal Family Medical Leave Act

Adopted: May 10, 1977

Revised: July 26, 1993, November 18, 1996, August 30, 1999, March 13, 2017