

FAMILY AND MEDICAL LEAVE

The East Baton Rouge Parish School Board shall permit qualified employees to take up to twelve (12) workweeks of unpaid leave in a twelve (12) month period for family and medical reasons. Employees qualifying for family and temporary medical leave shall have been employed by the Board for the previous twelve (12) months prior to the date of the leave to be taken. For the purposes of this policy, the 12 month period shall be the same as the fiscal year, July 1 to June 30. Such unpaid leave may only be taken for the following reasons:

1. For the birth of the employee's child and subsequent care;
2. For the placement of a child with the employee for adoption or foster care;
3. In order to care for the spouse, child or parent of the employee who has a serious health condition; or
4. When the serious health condition of the employee renders the employee unable to perform the function of the position of such employee.

Leave may be taken for birth or placement of a child only within twelve (12) months of the birth or placement.

Generally, the time taken for family and medical leave shall be on a continuous basis. However, the employee shall be permitted to take leave on an intermittent or reduced basis to care for a seriously ill family member or the employee's own illness when medically necessary. An employee may take intermittent leave for the birth or adoption of a child only with Board approval.

If a teacher's period of absence on intermittent leave amounts to more than 20% of classroom time, the teacher may be required to take continuous leave throughout the treatment period or be placed temporarily in an equivalent position, for which the teacher is qualified and which has equivalent status, pay and benefits, and which would not be so disruptive to the classroom.

In any case in which the necessity of leave is for the birth of the employee's child and subsequent care; or for the placement of a child with the employee for adoption or foster care, and said necessity of leave is foreseeable based on the expected birth or placement, the employee is required to provide the Board with at least thirty (30) days notice, before the date the leave is to begin. If the date of birth or placement requires the leave to begin in less than thirty (30) days, notice shall be given as soon as possible.

In any case in which the necessity of leave is in order to care for the spouse, child or parent of the employee who has a serious health condition; or when the serious health

condition of the employee renders the employee unable to work, and the need to take such leave is foreseeable based on planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt school operations.

The Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner.

The Board requires an employee to first use any accumulated sick, personal and/or annual leave time for any part or all of the twelve (12) week period. Any leave granted an employee under extended sick leave, sabbatical medical leave or maternity leave will run concurrently with any leave available to the employee under this policy.

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. An employee returning to service at the end of his/her leave period for personal medical reasons shall be required to present to the School Board a letter from his/her doctor certifying that the employee is able to return to work.

The Board may not be obligated to restore certain "highly compensated" or "key" employees (as defined by law) to his/her former position under the conditions set out in the FMLA.

FMLA for Military Personnel – as amended

Family and Medical Leave Act of 1993 (FMLA) was amended in January 2008 to permit a spouse, son, daughter, parent, or next of kin to take up to 26 workweeks of leave to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner. Certification shall be sufficient if it states:

- (1) the date on which the serious health condition commenced;**
- (2) the probable duration of the condition;**
- (3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;**
- (4)(A) for purposes of leave to care for immediate family member a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and**

- (B) for purposes of leave for self, a statement that the employee is unable to perform the functions of the position of the employee;
- (5) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

Any employee taking family and medical leave shall have the right to return to his/her previous position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

This leave, if granted under extended sick leave, sabbatical medical leave or other type of paid leave will run concurrently with any leave available to the employee under this policy.

Furthermore, this policy will also permit an employee to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. By its express terms, this provision of the NDAA is not effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.”

Ref: 29 USCA ' 2601, et seq. (The Family and Medical Leave Act of 1993).
**As Amended by Section 585 of the National Defense Authorization Act for FY 2008, Public Law [110-181].
Enacted January 28, 2008**