

**LUZERNE
INTERMEDIATE
UNIT #18**

**SECTION: LUZERNE INTERMEDIATE
UNIT EMPLOYEES
TITLE: FAMILY AND MEDICAL LEAVES
ADOPTED: NOVEMBER 20, 2002
REVISED: FEBRUARY 26, 2014**

	435. Family and Medical Leaves
1. PURPOSE	<p>The purpose of this policy is to address specific leave of absence issues and to ensure the intermediate unit's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.</p>
2. DELEGATION OF RESPONSIBILITY	<p>The Executive Director or designee shall develop administrative guidelines regulating leaves and ensuring the intermediate unit's compliance with law. Although implementing the guidelines is the responsibility of the Executive Director, they must adhere to the basic principles of law.</p>
3. GUIDELINES	<p>Required notices shall be posted by the intermediate unit.</p> <p>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 intermediate unit designates a leave as an FMLA.</p> <p>Once an employee has taken three (3) consecutive sick days, the Intermediate Unit, through the human resources team, has the right to send the forms to the employee and the employee shall have those forms completed as required by law.</p> <p>All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on the standard FMLA Department of Labor and Industry form. This form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.</p> <p>If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, Board policy or statutory mandate, the employee may utilize such leave during the FMLA leave, at his/her discretion. Employees can utilize their sick, vacation and personal days in conjunction with the FMLA.</p> <p>Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.</p>

<p>4. 29 U.S.C. SEC. 2612</p>	<p>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 violation of a collective bargaining agreement or where the employee has taken a paid leave concurrent with the FMLA leave and Board policy and practice has not required a fitness-for-duty certificate to be provided.</p> <p>Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.</p> <p>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 a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back to back leave entitlements.</p> <p>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 when:</p> <ol style="list-style-type: none">1. 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).2. 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. <p>Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by law.</p> <p>When an employee requests an FMLA leave and qualifies for and is entitled to any accrued paid sick leave, the employee is required to utilize such paid leave during the FMLA leave; FMLA leave shall run concurrently with and is not in addition to paid sick leave time. FMLA leave shall also run concurrently with any type of disability leave for which the employee has purchased disability insurance coverage through the employer. Notwithstanding any clause contained herein to the contrary, it is specifically understood that paid sick leave shall not run concurrently with disability coverage.</p>
-----------------------------------	--