

Policy Subject FAMILY AND MEDICAL LEAVE ACT	Location Code 404.2	Adoption Date 2/14/94
	Rescinds/Amends	Adopted

Family and Medical leave Act benefits may be granted to eligible employees of the Norfolk Public Schools. This leave may be used for up to twelve (12) weeks of unpaid absence for certain medical or family emergencies during a designated twelve (12) month period. The award of such leave shall be made under the following conditions:

A. An eligible employee is:

1. Any person who has been employed twelve (12) months by the Norfolk Public Schools; **and**
2. Any person who has been employed for at least 1,250 hours during the pervious twelve (12) month period.

B. A calendar year is:

A twelve (12) month period beginning about September 1 and running through August 31, generally considered to be concurrent with the contract year.

C. This leave may be used for:

1. The birth of a son or daughter of the employee and in order to care for such son or daughter;
2. The placement of a son or daughter with the employee for adoption or foster care;
3. To care for the spouse, or a son or daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition;
4. The serious health condition of an employee that makes the employee unable to perform the functions of the position of such employee.

D. Definitions:

1. **Spouse**—a husband or wife as defined or recognized under Nebraska State Law for purposes of marriage
2. **Parent**—a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child;
3. **Son or daughter**- -a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and

“incapable of self-care because of a mental or physical disability.” Incapable of self-care means the individual requires active assistance or supervision to provide daily self-care in several of the activities of daily living.

4. **Serious health condition** --an illness, injury, impairment, or physical or mental condition that involves:

- a) Any period of incapacity or treatment in connection with or consequence to inpatient care in a hospital, hospice, or residential medical care facility;
- b) Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three (3) calendar days; that also involve continuing treatment by a health care provider; or
- c) Continuing treatment by a health care provider for a chronic long-term condition that is incurable or so serious that if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or for pre-natal care.

E. If both spouses are employed:

The aggregate number of work weeks to which they will both be entitled will be limited to twelve (12) combined weeks for:

1. Birth;
2. Adoption;
3. Medical care of a child or parent.

F. The following paid leaves, subject to the extent of their availability, shall be substituted for the twelve (12) work weeks of unpaid leave:

1. Vacation;
2. Personal; and
3. Sick leave.

G. If the absence is foreseeable:

Then a thirty (30) day calendar notice to the District is required. Foreseeable events are usually births, adoptions, or planned medical treatments.

H. If the absence is not foreseeable:

Then the employee must notify the District "as soon as practicable."

I. Disruption of education activities:

In the event of planned medical treatment and subject to the approval of the health care provider, reasonable efforts shall under age 18 or age 18 or older and "incapable of self-care because of a mental or physical disability." Incapable of self-care means the individual requires active assistance or supervision to provide daily

J. Medical certification:

In the event that a leave is requested for an employee illness or illness of a family member, the employee shall provide medical certification by a health care provider to the District.

K. Expiration of leave rights:

An employee's right to take leave for birth or adoption expires twelve (12) months from the date of the birth or placement of the child.

L. Intermittent Leave:

1. Leave for birth or adoption shall not be taken intermittently.
2. In the event of an employee or family illness, leave may be taken intermittently on a reduced leave schedule (in not less than 1/2 day periods) when medically necessary. The District reserves the right to temporarily transfer the employee to another position to better accommodate recurring periods of leave

M. Return to equivalent position:

Employees utilizing the leave provisions of this policy are entitled to be assigned to an equivalent position upon return. The District, however, reserves the right to assign staff to a qualified position to the advantage of students and the District.

N. Health plan benefits:

Any group health plan benefits will continue on the same basis as coverage that would have been provided if the employee had been continuously employed during the FMLA leave period. Any share of health plan premiums which have been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA period. If the employee does not return from the leave, the employee shall be expected to repay the District for the full amount of health

insurance premiums paid by the District during the leave.

O. Leave form:

Any employee requesting leave under this policy shall submit the request on the proper leave form.

P. FMLA regulations:

To the extent that any provision in this policy is in any manner inconsistent with the provisions of the FMLA or the regulations promulgated thereunder, the FMLA and regulations shall prevail over the provisions of this policy.