

CHIPPEWA VALLEY SCHOOLS FAMILY MEDICAL LEAVE GUIDELINES

Revised January 2013

General Provisions:

It is the policy of Chippewa Valley Schools (CVS) to grant up to 12 weeks (60 work days) of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). It is policy of CVS that employees must use all accrued paid sick and may request to use vacation time, if applicable, for a paid leave. Employees wishing to use vacation time, if applicable, must submit their request in writing to the Human Resources (HR) Department when they request their leave. Effective, immediately (January 10, 2013), employees may elect to use their accrued vacation time in place of or in conjunction with sick time and must indicate the specific days to be charged to sick and/or vacation time in their written request. If HR does not receive a written request only accrued sick leave will be used for the leave. Once the employee has exhausted their paid time the remainder of their leave will be unpaid.

Contract Provisions:

Doctors Medical Statements for sick time are required to be provided to the Human Resource Department as follows according to your union group. Please be sure that you doctor indicates on every doctor's note whether or not you are/were absent due to a serious health condition.

Paraprofessionals and Support Staff: If absent three (3) consecutive days or more.

Clerical: After three (3) consecutive days of absence.

Teachers: After ten (10) consecutive days of absence.

Eligibility:

To qualify to take a family or medical leave under this policy, the employee must meet all of the following conditions:

- ✓ The employee must have worked for CVS for 12 months or 52 weeks. The twelve months or 52 weeks need not be consecutive.
- ✓ The employee must have worked at least 1250 hours during the twelve-month period immediately before the date when the leave is requested to commence. This does not include time spent on paid or unpaid leave as hours worked. Exception to this rule is for teachers only. Teachers must be full-time (1.0 FTE) in order to be eligible.

Qualifying Events:

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for the new born child;
2. The placement of a child for adoption or foster care and to care for the newly placed child;

3. To care for a spouse, child, or parent with a serious health condition**; or
4. The serious health condition** of the employee that makes the employee unable to perform the functions of their job.
5. Because of any qualifying exigency (a.) arising out of the fact that the spouse, or a son, daughter or parent of the employee is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation;
 - a. A qualifying exigency may include any one of the following;
 - i. Short Term Deployment;
 - ii. Military events and related activities;
 - iii. Child care and school activities;
 - iv. Financial and legal arrangements;
 - v. Counseling;
 - vi. Rest and recuperation;
 - vii. Post – deployment activities; and
 - viii. Other activities which arise from the covered military member’s active duty or call to active duty status provided that the employer and employee agree to designate the leave in this manner and agree to both the timing and duration of the leave.
6. To care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent or next of kin of service member.

****A *serious health condition*** is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care (i.e. overnight stay in a hospital, hospice, or residential care facility), including any period of incapacity (a period of more than three consecutive, full calendar days) or subsequent treatment in connection with such inpatient care or continuing treatment by a health care provider (i.e. treatment two or more times, within 30 days of the first day of incapacity by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapy); treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment).

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resource Department.

Amount of Leave:

An eligible employee can take up to 12 weeks (60 work days) of leave under this policy during any 12-month period. CVS will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

***Please note that if a husband and wife both work for CVS, and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.*

*****Service member Family Leave Exception:** *An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a*

total of 26 workweeks of leave during a 12-month period to care for the service member. This 26 workweeks shall only be available during a single 12-month period. In addition, if a husband and wife both work for CVS and wishes to take leave for this reason they may only take a combined total of 26 workweeks of leave.

The employee may take FMLA time in 12 consecutive weeks (60 work days), intermittently or under certain circumstances may use the leave to reduce the work week or work day.

In instances when the employee needs to reduce their work day or week or take an intermittent leave CVS and the employee must mutually agree to the schedule before the employee may take leave intermittently or work a reduced hour schedule.

Benefits During Leave:

While an employee is on leave, CVS will continue the employee's health benefits (if applicable) during the leave period at the same level and under the same conditions as if the employee had continued to work. If the employee customarily pays for a portion of their benefit premiums they will continue to pay for their portion of the premium while on this leave.

Procedure in Requesting Leave:

All employees requesting leave under this policy must provide **written notice with an explanation of the reason(s) for the needed leave to the Human Resource Department. The employee must give CVS 30 days' notice. If it is not possible to give 30 days notice or if the leave is not foreseeable, the employee must give notice within one to two business days or as soon as practicable in emergency situations with an explanation of the reason(s) to the Human Resource Department. Employee's who are to undergo a planned medical treatment should make a reasonable effort to schedule the treatment in order to minimize disruptions to the operation of CVS.

CVS will provide individual notice of rights and obligations to each employee requesting leave within five business days or as soon as practicable after receiving notice from the employee.

****Written Notice** consist of the following depending on the reason for the leave:

- Birth of a child and in order to care for the newborn child;
 - Must provide a letter from the employee indicating their intentions for the leave (6-8weeks or longer) and supply a doctor's medical statement stating due date or estimated due date and/or a Certification of Heather Care Provider form for Employee.
- The placement of a child for adoption or foster care and to care for the newly placed child
 - Must provide a letter from the adoption agency or social services proving the employee's involvement in the above and a letter from the employee indicating their intentions for their leave (anticipated duration of the leave, and anticipated start date).
- To care for a spouse, child, or parent with a serious health condition;
 - Must provide a letter from the employee indicating whom they are caring for, why they are needed to provide care, the approximate period of time needing to be off, and whether the leave will be consecutive or intermittent.

- In addition the employee must have their spouse, child or parent's doctor fill out the Certification of Health Care Provider form for Family member's Serious Health Condition to substantiate the need of the employee to care for them. Once the leave is requested this form must be completed and returned to the Human Resources Department within 15 calendar days of the request or it may result in a denial of the leave.
- The serious health condition of the employee;
 - A Certification of Health Care Provider form for Employee's Serious Health Condition is needed to substantiate the employee's condition and length of illness. Once the leave is requested or HR receives notification of the need for a leave, this form will be sent to the Employee and must be completed and returned to the Human Resources Department within 15 calendar days of HR sending the request for completion or it may result in a denial of the leave.
- Military Family Leave;
 - Must provide a certification of qualifying exigency form related to active duty or call to active duty for a spouse, child, or parent. Once the leave is requested or HR receives notification of the need for a leave, this form will be sent to the Employee and must be completed and returned to the Human Resources Department within 15 calendar days of HR sending the request for completion or it may result in a denial of the leave.
- To care for a covered service member with a serious injury or illness.
 - Must provide a certification for serious injury or illness of covered service member for Military Family Leave form. Once the leave is requested or HR receives notification of the need for a leave, this form will be sent to the Employee and must be completed and returned to the Human Resources Department within 15 calendar days of HR sending the request for completion or it may result in a denial of the leave.

**All certification forms are located on the Human Resources Department website at <http://www.chippewavalleyschools.org/our-district/departments/humanresources/hr-forms/>.

Returning from leave:

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits, and working conditions.

Once an employee is able to return to work or their FMLA has ended they must provide prior notice to CVS of their intentions of returning to work. If the employee's leave is for their own serious health condition they must supply a doctor's medical statement, in advance, to the Human Resources Department indicating their date of return and whether or not they are returning with work restrictions. If this documentation is not received prior to your return, your return to work may be delayed until such is provided. Depending on the reason for the leave you may be required to submit to a fit-for-duty physical prior to being returned to your position. Human Resources will notify you if you will need to get a physical prior to returning.