

Washington South Supervisory Union  
Northfield and Roxbury School Districts

*Employee Notification Regarding the Family Medical Leave Act (FMLA)*

***Employees eligible for FMLA must:***

- Have worked at least 12 months
  - Do not have to be consecutive
- Have worked at least 1250 hours in previous 12 months
  - State law-worked an average of 30 hours per week for last year
  - Teachers are assumed to have worked the required number of hours if employed for 12 months.
- FMLA provides:
  - Job protection and up to 12 weeks of unpaid leave
  - Intermittent leave
- FMLA is used for:
  - Birth or adoption
    - State law says spouses do not have to share leave
  - Serious medical illness
    - Yourself or an immediate family member
      - State law includes parent-in-law as a family member

***Designating Time Off as FMLA***

- Employer IS able to designate time as FMLA, as long as the absence qualifies under FMLA, even if employee is using vacation/sick/other leave time
- It is the employer's choice, NOT the employee's, to designate time as FMLA; however, the employee must be properly notified
- Time missed due to a Workers' Compensation illness/injury runs concurrently with FMLA
- Employees of the WSSU and its member districts may use up to 30 days of accrued sick leave (if available) for the birth or adoption of a child. Accrued sick leave (if available) may be used beyond 30 days if the leave is determined to qualify as sick leave.

***Special Rules for Schools***

- Leave near the end of the school year
  - If the eligible employee begins leave more than 5 weeks prior to the end of the academic term, the school may require the employee to continue taking leave until the end of the term, if:
    - the leave is of at least a 3-week duration and the return to employment would occur during the 3-week period before the end of such a term.
    - the additional leave time would NOT count towards FMLA, but all benefits, etc. continue as if it were FMLA

***Reduced Leave Schedule***

- If the instructional employee would be on leave for greater than 20% of the total number of working days in the period during which the leave would extend, the agency or school may require the employee to elect either:
  - A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
  - B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that
    - a. has equivalent pay and benefits; and,
    - b. better accommodates recurring periods of leave than the regular employment position of the employee.

***Note:*** Determination of "Equivalent position" is determined on the basis of established School Board policies and practices, and collective bargaining agreements.

## **FMLA STEP-BY-STEP PROCEDURES**

When an employee requests or is absent for more than three (3) consecutive days or five (5) cumulative (part or whole) days:

- The WSSU Human Resources' and Support Services' Assistant will send the employee FMLA leave information, physician's certificate and any attachments, if necessary.
- The employee will return, if appropriate, any of the above-mentioned forms to the Human Resources' and Support Services' Assistant within 15 days.
- If applicable, upon receipt of the employee's response, within 5 calendar days the WSSU office will hand-deliver or send via certified return receipt mail to the employee the Designation Notice (form WH-382) and a copy of the employee's leave printout.
- The Superintendent will review the documentation and make a decision on eligibility.
- The Human Resources' and Support Services' Assistant will keep track of deadlines for certification forms. Employees will receive a reminder letter to the employee 1-2 weeks prior to the estimated return date.
- For employees on extended medical leave, the employee will submit prior to returning physician 'fitness for duty' release and, if necessary, reasonable accommodations will be discussed.

### ***NOTICE:***

- Effective July 1, 2016 leave dates for FMLA will be calculated according to a "rolling" 12-month period measured forward from the date of any FMLA leave usage.
- All employees must submit leave throughout their absence in addition to the process outlined above.
- Copies of distributed forms and documentation of any leave calculations used to determine eligibility will be kept on file in the WSSU office.