GARIA   FAMILY AND MEDICAL LEAVE   GARIA

District employees shall be provided family and medical leave as provided by a plan approved by the board and required by current federal law and regulation. The plan for providing leave under this policy shall be filed with the clerk of the board and made available to all staff at the beginning of each school year.

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Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the district may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care for a child with a serious health condition.

Leave is available because of **(1)** the birth of a son or daughter of the employee and to care for the son or daughter; **(2)** the placement of a son or daughter with the employee for adoption or foster care; **(3)** the need to care for a spouse, son, daughter or parent of the employee because of a serious health condition; or **(4)** a serious health condition of the employee that prevents the employee from performing the job functions. (Leave for reason 1 or 2 must be taken within 12 months of birth or placement).

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The superintendent will notify the employee prior to or during the leave period that the leave has been designated as paid family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service in the district and employed at least 1250 hours during the preceding year.

During the period of any unpaid family and medical leave the board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the Employee to the clerk of the board on the payroll date or other time as the employee and superintendent may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

a).   the reasons that leave will count as family and medical leave,

b).   any requirements for medical certification,

c).   employer requirement of substitution paid leave,

d).   requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,

e).   right to be restored to same or equivalent job,

f).   any employer required fitness-for-duty certifications.

Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the superintendent.

The superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health conditions, the superintendent may require an instructional employee to continue leave until the end of a semester, if:

1).   the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or

2).   the leave begins in the last three (3) weeks of a semester, and lasts more than five (5) days.

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