

FAMILY AND MEDICAL LEAVE

I. GENERAL REQUIREMENTS

- A. Eligibility for Leave. Employees must meet the eligibility requirements to qualify for unpaid family or medical leave:

Federal – Employee has worked for the District for at least twelve (12) months and has worked 1,250 hours in the twelve (12) month period prior to the time leave begins.

Wisconsin – Employee has been employed for 52 consecutive weeks and has been paid for at least 1,000 hours in the previous 52-week period.

- B. Length of Leave. Leave is to be used concurrently and not consecutively. For example, District sick leave used for the birth of a child also qualifies as birth or placement leave under the state and federal laws and, therefore, is also deducted from an employee's leave entitlement under the state and federal laws.

Federal Family Medical Leave. Provides up to 12 weeks of unpaid, job-protected leave for any one or combination of the following reasons:

1. Birth or Placement for Adoption or Foster Care of a Child. Unpaid leave may be taken by an employee for the birth of a child, and to care for such child; or for the placement of a child for adoption or foster care.
2. Serious Health Condition of Employee. Unpaid leave may be taken by an employee in the event he/she experiences a "serious health condition." If an employee needs leave, the employee must provide the District with a Health Care Provider Certification, which must be completed by the employee's treating health care provider.
3. Serious Health Condition of a Spouse, Parent or Child. Unpaid leave may be taken by an employee to care for a child, spouse or parent with a "serious health condition." If leave is requested for such individuals, an employee must provide the company with a Health Care Provider Certification, prepared by the treating health care provider which states that the employee is needed "to care for" the person and that the person requires continued treatment by a health care provider.
4. Covered Active Duty Leave of Spouse, Parent or Child. Unpaid leave may be taken by an employee due to any qualifying exigency arising out of the fact that a child, spouse or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty during the deployment of the member with the Armed Forces to a foreign country.

Wisconsin Family Medical Leave. Provides unpaid, job-protected leave for the following reasons:

1. Birth or Adoption of a Child. Up to six (6) weeks of unpaid leave is allowed an employee for the birth or adoption of a child (for use beginning and ending within 16 weeks after birth or placement) in any twelve-month period.
2. Serious Health Condition of Employee. Up to two (2) weeks of unpaid leave is allowed an employee who has a "serious health condition" which makes the employee unable to perform his or her employment duties. If an employee needs

leave, the employee must provide the District with a Health Care Provider Certification, which must be completed by the employee's treating health care provider.

3. Serious Health Condition of a Spouse, Parent or Child. Up to two (2) weeks of unpaid leave is allowed an employee to care for a child, spouse or parent with a "serious health condition". If leave is requested for such individuals, an employee must provide the company with a Health Care Provider Certification, prepared by the treating health care provider which states that the employee is needed "to care for" the person and that the person requires continued treatment by a health care provider.

C. Definitions

1. "Serious health condition" is defined herein to mean an illness, injury, impairment, or physical or mental condition involving any of the following:
 - a. Inpatient care in a hospital, nursing home, hospice, or residential medical facility.
 - b. Outpatient care that requires continuing treatment or supervision by a health care provider.

Medical leave may be taken all at once or in smaller increments where medically necessary. If leave is taken in smaller increments, the employee may be temporarily transferred to another job at the District to better accommodate the treatment or care schedule.

2. A "qualifying exigency" is defined as the following: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; and (9) additional activities not encompassed by any of the above, but agreed to by the employer and employee.
3. "Covered active duty." (1) In the case of a member of the regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to a provision of law referred to in Section 101(a)(13)(B) of Title 10 of the United States Code.
4. A "domestic partner" means either of the following:
 - a. "Registered domestic partners" are two individuals who have registered their domestic partnership with the Register of Deeds in their county of residence before April 1, 2018, and meet the following criteria:
 - i. The individuals must be at least 18 years of age and capable of consenting to a domestic partnership;
 - ii. Neither individual in the domestic partnership may be married to, or in a domestic partnership with, another individual;
 - iii. The individuals must share a residence;
 - iv. The individuals must not be more closely related than second cousins; and
 - v. The individuals must be of the same gender.

- b. “Nonregistered domestic partners” are two individuals, who submitted an affidavit of domestic partnership to the Department of Employee Trust Funds prior to January 1, 2018 , and meet the following criteria:
 - i. The individuals must be at least 18 years of age and capable of consenting to a domestic partnership;
 - ii. Neither individual in the domestic partnership may be married to, or in a domestic partnership with, another individual;
 - iii. The individuals must share a residence;
 - iv. The individuals must not be related by blood in a way that would prohibit marriage under Wis. Stat. § 765.03;
 - v. The individuals must consider themselves to be members of each other’s immediate family; and
 - vi. The individuals must agree to be responsible for each other’s basic living requirements.
- 5. “Week” means five, eight-hour work days of leave for purposes of calculating intermittent or partial leave. For each work day or work week in which an employee works fewer than the regularly scheduled hours by using intermittent or partial leave, the specific amount taken will be deducted for purposes of computing leave taken and leave remaining.
- 6. “In loco parentis” means having day-to-day responsibilities to care for and financially support a child with whom one has no biological or legal relationship.
- 7. “Twelve (12) Month Period.” The District will utilize the 12-month Calendar Year (Jan. 1– Dec. 31) to administer family medical leave pursuant to Wisconsin law.
- 8. “Instructional employees” are those whose principal function is to teach and instruct students in a class, small group, or individual setting. The term applies to teachers, athletic coaches, driving instructors, and special education personnel such as signers for the hearing impaired. It does not apply to educational assistants (teacher assistants or aides who do not have as their principal job actual teaching or instructing), counselors, psychologists, curriculum specialists, bus drivers, child nutrition workers, custodial workers, or other non- instructional employees.

II. BIRTH OR PLACEMENT LEAVE

- A. Unpaid birth or placement leave qualifying under both state and federal FMLA laws may be used within 16 weeks before, or within 12 months following the birth of the employee’s natural child, the placement of a child with the employee for adoption, or the placement of a child with the employee for 24-hour foster care that is made by or with agreement of a licensed child welfare agency or County Social Services/Human Services Department.
- B. In a 12-month period, no employee may take more than 12 weeks of birth or placement leave. In addition, no more than 12 weeks leave can be taken for the birth of any one child. If both the mother and father of a child are employed by the District, they are entitled only to a combined total leave of 12 weeks.
- C. An employee may substitute a maximum of six weeks accrued paid sick leave or other accrued leave for the first six of the otherwise unpaid 12-week period, provided the first six weeks occur within a period of 16 weeks before to 16 weeks after the birth or placement. After the first six weeks, District policy requires that any paid sick leave, vacation, personal leave/floating holiday or compensatory leave time be used prior to unpaid leave for part or all of the remaining leave period. No substitution of accrued paid sick leave is permitted for foster care placement.

- D. An employee must submit a written request for birth or placement leave not less than 30 days before the leave is to commence and must schedule the leave after reasonably considering the District's needs. If the date of the birth, adoption or foster care placement requires leave to begin sooner, the employee shall provide notice as soon as possible. The employee shall identify if and what type of paid accrued leave the employee intends to substitute as provided under the law.
- E. Except as provided in Section VIII, below, for the first six weeks of leave an employee may take birth or placement leave as an intermittent or partial absence in employment in increments of no less than one-half hour. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the District's operations. To comply with this requirement, an employee must provide the District, in writing, with the proposed schedule of intermittent or partial absences no less than two weeks before the schedule of absences is to begin. The schedule must be sufficiently explicit so that the District is able to schedule replacement employees, if necessary, to cover the absences. Intermittent or partial leave must conclude within sixteen weeks following the birth, adoption or foster placement of a child. The remaining period of up to six weeks must be taken in a single block, but exceptions may be granted.
- F. The employee must provide medical certification as required in Section VII, below.

III. FAMILY ILLNESS LEAVE

- A. Unpaid family illness leave may be used to care for an individual, who has a serious health condition and is the employee's: (1) spouse; (2) biological, adopted or foster child; (3) child for which the employee stands "in loco parentis"; (4) biological parent or parent who stood "in loco parentis" to employee; (5) spouse's parent; (6) domestic partner; (7) or domestic partner's parent.
- B. In a 12-month period, no employee may take more than twelve (12) weeks of family illness leave for the employee's spouse, child or parents. A maximum of two weeks of family illness leave may be taken for a spouse's parent, domestic partner or a domestic partner's parent.
- C. An employee may substitute a maximum of two (2) weeks accrued paid sick leave or other accrued leave for the first two (2) weeks of the otherwise unpaid twelve (12) week leave period. After the first two weeks, District policy requires that any paid sick leave, vacation, personal day/floating holiday or compensatory leave time be used prior to unpaid leave for part or all of the remaining leave period.
- D. An employee must consider the needs of the District when scheduling family illness leave. If an employee intends to use family illness leave for planned medical treatment or supervision of a family member, as defined above, the employee must do the following:
 - 1. Give the District two (2) weeks advance written notice of the intent to take such leave, the reason for the leave, and the planned dates of the leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued time the employee intends to substitute as provided under the law.
 - 2. Schedule medical treatment or supervision so that it does not unduly disrupt the District's operations. Provide the District with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the District can schedule replacement employees, if necessary.

3. Provide the required medical certification as required in, Section VII, below.
- E. Except as provided in Section VII, below, when medically necessary an employee may take family illness leave as an intermittent or partial absence from employment in increments of no less than one-half hour. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the District's operations. To comply with this requirement, an employee must provide the District, in writing, with the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave.

IV. EMPLOYEE MEDICAL LEAVE

- A. Unpaid medical leave may be used by an employee who has a serious health condition which makes the employee unable to perform his or her job duties. An employee may choose that any paid accrued leave be substituted for part or all of the otherwise unpaid 12-week leave. After the first two (2) weeks, the District requires that any paid sick leave, vacation, personal leave/floating holiday or compensatory time be used prior to unpaid leave for part or all of the remaining unpaid leave. No employee may take more than 12 weeks of unpaid medical leave in a calendar year.
- B. An employee may schedule medical leave as medically necessary. If an employee intends to use the medical leave for a planned medical treatment or supervision, the employee must:
1. Give the District two weeks written advance notice of the intent to take a leave, the reason for the leave, and the planned dates of leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued leave the employee intends to substitute as provided under the law.
 2. Schedule the medical treatment or supervision so that it does not unduly disrupt the District's operations. Provide the District with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the District can schedule replacement employees, if necessary.
 3. Provide the required medical certification as required in Section VII below.
- C. Except as provided in Section VIII, below, when medically necessary, an employee may take employee medical leave as intermittent or partial absences from employment in increments of no less than one-half hour. An employee who does so shall schedule the intermittent or partial absence so that it does not unduly disrupt the District's operations. To comply with this requirement, an employee must provide the District, in writing, with the employee's proposed schedule of intermittent or partial absences with reasonable promptness after the employee learns of the probable necessity of such leave.

V. QUALIFYING EXIGENCY LEAVE

- A. In a calendar year, an employee may take up to 12 weeks of unpaid leave due to any qualifying exigency arising out of the fact that a child, spouse or parent of the employee is on covered active duty, or has been notified of an impending call or order to covered active duty in the Armed Forces. The District requires that any paid vacation, personal leave, floating holiday or compensatory time be used prior to unpaid leave for part or all of the remaining unpaid leave.

- B. In any case in which the necessity for qualifying exigency leave is foreseeable, the employee shall provide such notice as is reasonable and practicable.
- C. The request for qualifying exigency leave must be supported by a certification issued at such time and in such manner as the U.S. Secretary of Labor may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification.
- D. An employee may take qualifying exigency leave as an intermittent or partial absence in employment in increments of no less than one-half hour.

VI. SUBSTITUTION OF PAID LEAVE FOR NON-PAID FMLA

- A. Federal Leave. During the leave, the District will pay the employee any accrued paid leave available to the employee for the unpaid time. Accrued leave shall include; sick, personal emergency and vacation days. The paid time used for the unpaid leave will not be available later. Extensions of leave under this Policy are not permitted.
- B. Wisconsin Leave. During the leave, the Employee may request the substitution of any accrued paid leave for the unpaid leave. Accrued leave shall include; sick, personal emergency and vacation days. The paid time used for the unpaid leave will not be available later. Extensions of leave under this Policy are not permitted.

VII. MEDICAL CERTIFICATION

- A. If an employee requests leave under this policy, the employee must provide the District with a Medical Certification completed by the employee and the health care provider treating the family member or employee. In the case of placement for adoption or foster care, a copy of the legal documentation attached to the Medical Certification form will substitute for the health care provider's certification.
- B. If requirements for certification are not completed, the District may deny the leave. The District may request a second health care provider's opinion and/or periodic recertification at the District's expense.

VIII. SPECIAL PROVISIONS FOR INSTRUCTIONAL EMPLOYEES

- A. Leave taken for a period that ends with the school year and begins the next school year is leave taken consecutively rather than intermittently. The period during summer vacation and school vacations, when the employee would not have been required to report for duty, is not counted against the employee's FMLA entitlement. An employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that the employees would normally receive if they had been working at the end of the school year. However, summer vacation time is counted towards disability time.
- B. If an instructional employee begins FMLA leave toward the end of a semester or academic year, the District may require the employee to remain on leave until the end of the academic term in the following circumstances:
 - 1. Instructional employees who begin FMLA leave because of birth or placement leave, because of a family member with a serious health condition, or to provide care to a covered service member, of at least three (3) weeks duration more than five (5) weeks before the end of the semester or academic term and the employee would return to work during the three (3) week period before the end of the semester or academic term;

2. Instructional employees who begin FMLA leave of more than two (2) weeks duration less than five (5) weeks before the end of the academic term for any reason other than their own serious health condition and the employee would return to work during the two (2) week period before the end of the semester or academic term;
 3. Instructional employees who begin FMLA leave of more than five (5) working days less than three (3) weeks before the end of a semester or academic term for any reason other than the employee's own serious health condition.
- C. If the District requires an instructional employee to stay out until the end of the term:
1. The period when the employee was able to return to work and was required to stay out will not count against their FMLA entitlement;
 2. The District will maintain the employee's group health insurance and restore the employee to the same or equivalent job in accordance with the respective working agreement, including other benefits at the conclusion of the leave.
- D. Instructional employees who take FMLA leave intermittently or on a reduced schedule for foreseeable leave based on planned medical treatment due to their own or covered relative's serious health condition or to care for a covered service member and the instructional employee would be on leave for more than 20 percent of the working days over the period the intermittent leave would extend, the District may require the employee either: (1) to take non intermittent leave for the period not to exceed the duration of the planned medical treatment; or (2) to transfer temporarily to an available alternative position that the employee is qualified to hold, that has equivalent benefits and pay, and that better accommodates intermittent leave than the employee's regular position.

IX. SPOUSES EMPLOYED BY THE DISTRICT

Spouses employed by the District who are eligible for FMLA leave are limited in the amount of FMLA leave that may be taken for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. When the leave request is for one of these specified reasons, the leave is limited to a combined total of twelve (12) work weeks. Leave for birth and care, or placement for adoption or foster care, also must be taken within twelve (12) months of the birth or placement.

X. INTERMITTENT LEAVE

When medically necessary as verified by the health care provider, employees may take FMLA leave intermittently or on a reduced schedule basis for their own serious health condition, the serious health condition of an immediate family member, or for military caregiver leave.

Employees are required to cooperate with the District to arrange reduced work schedules or intermittent leave so as to minimize disruption of the school day or business operations.

Intermittent leave will be arranged at the discretion of the District. If an intermittent leave or a leave on a reduced schedule is requested for foreseeable leave based on planned medical treatment, the District may require the employee to transfer temporarily to an available alternate position for which the employee is qualified, as long as the alternative position has equal pay and benefits.

Intermittent or reduced schedule leave may be taken in increments no greater than the shortest period of time used to account for other forms of leave provided that it is not greater than one hour increments, and employee's FMLA leave entitlement will not be reduced by more than the amount of leave actually taken. The District may not require an employee to take more leave than is necessary to address the

circumstances that precipitated the need for leave, and FMLA leave is only counted against an employee's FMLA entitlement for leave actually taken.

XI. INSURANCE AND BENEFITS

- A. While an employee is on approved paid leave, benefits continue as if the employee remained at work. While an employee is on approved unpaid leave, the District will maintain group health insurance under the conditions that applied before the leave began, and the employee must make arrangements to pay the employee's portion of the health insurance premium and any other insurance premiums required to be paid by the employee during the term of the unpaid leave. The District's obligation to maintain health insurance benefits will terminate if and when an employee informs the District of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is depleted, or if the employee fails to make any required payments while on leave.
- B. If the employee does not return to work after the leave entitlement has been exhausted, the District has the right to recover the health insurance premiums paid on behalf of the employee during a period of unpaid leave. An employee must return to work for at least thirty calendar days in order to be considered to have "returned" to work.

XII. RETURN FROM LEAVE

- A. An employee returning from employee medical leave is required to obtain a Fitness for Duty Certification from the health care provider that the employee is able to resume work, including whether the employee is able to perform the essential functions of his or her position. A Fitness for Duty Certification must be provided to the employee's Principal or Supervisor before returning to work. If this Form is not received, the employee's return to work will be delayed.
- B. An employee returning from leave as provided under this policy can return to his or her prior position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee shall be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- C. An employee may return to work prior to the scheduled end of the leave. The employee shall be returned to his or her prior position or an equivalent position within a reasonable time after the request to return to work early is made.

XIII. INTERPRETATION

Any questions regarding Family and Medical Leave use and/or interpretation should be directed to the District Office for clarification.

MILITARY CAREGIVER LEAVE

Federal law allows eligible employees who are family members of covered service members to take up to 26 work weeks of leave in a single 12-month period to care for a covered service member (hereinafter "military caregiver leave"). In order to be eligible for military caregiver leave, an employee must be employed by the District for at least 12 months and have been employed for at least 1250 hours of service during the 12-month period immediately preceding the leave. In determining whether an employee meets the eligibility requirements, the District will count all periods of absence from work due to or necessitated by covered service under the USERRA.

I. DEFINITIONS

- A. "Family members of a covered service member" include the spouse, son, daughter, or parent, or next of kin of a covered service member.

- B. A “son or daughter of a covered service member” means the covered service member’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
- C. A “parent of a covered service member” means a covered service member’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”
- D. The “next of kin of a covered service member” is the nearest blood relative to the covered service member.
- E. A “covered service member” means:
1. A current member of the Armed forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. Leave must commence to care for a covered veteran within five years of the veteran’s active duty service. For an individual who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period between October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
- F. A “veteran” has the meaning given the term in section 101 of title 38, United States Code.
- G. The “single 12-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date, regardless of the method used by the employer to determine the employee’s 12 workweeks of leave entitlement for other FMLA-qualifying reasons. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.
- H. A “serious injury or illness” means:
1. In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the covered service member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating;
 2. In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy, “serious injury or illness” means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the

Armed Forces and manifested itself before or after the member became a veteran, and is:

- a. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- b. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating ("VASRD") of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
- d. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

II. AMOUNT OF LEAVE

An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period", provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency.

Thus, for example, an eligible employee may, during the "single 12-month period," take 16 weeks of FMLA leave to care for a covered service member and 10 weeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the "single 12-month period," even if the employee takes fewer than 14 weeks of FMLA leave to care for a covered service member.

In the case of a husband and wife who are both employed by the District, the aggregate number of workweeks of leave to which both the husband and wife may be entitled is limited to 26 weeks combined for military caregiver leave or 26 weeks combined for a combination of military caregiver leave and family and medical leave.

III. NOTICE

An employee may schedule military caregiver leave as medically necessary. If an employee intends to use the military caregiver leave for a planned medical treatment or supervision, the employee must:

- A. Give the District two weeks written advance notice of the intent to take a leave, the reason for the leave, and the planned dates of leave. This requirement may be waived in emergency situations. The employee shall also identify if and what type of paid accrued leave the employee intends to substitute as provided under the law.
- B. Schedule the medical treatment or supervision so that it does not unduly disrupt the District's operations. Provide the District with a proposed schedule for the leave with reasonable promptness after the employee learns of the probable necessity of the leave. The schedule must be sufficiently explicit so that the District can schedule replacement employees, if necessary.

IV. REDUCED OR INTERMITTENT LEAVE

Except as provided in Section V, when medically necessary, an employee may take military caregiver leave as an intermittent or partial absence from employment in increments of no less than one-half hour. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the District's operations. To comply with this requirement, an employee must provide the District, in writing, with the proposed schedule of absences with reasonable promptness after the employee learns of the probable necessity of such leave.

V. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. If an instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a covered service member which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the District may require the employee to choose either to:
 - 1. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - 2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

- B. If an instructional employee begins leave more than five weeks before the end of a term, the District may require the employee to continue taking leave until the end of the semester if:
 - 1. The leave will last at least three weeks, and
 - 2. The employee would return to work during the three-week period before the end of the semester.

- C. If an instructional employee begins leave during the five-week period before the end of a semester to care for a covered service member, the District may require the employee to continue taking leave until the end of the semester if—
 - 1. The leave will last more than two weeks, and
 - 2. The employee would return to work during the two-week period before the end of the semester.

- D. If an instructional employee begins leave during the three-week period before the end of a semester to care for a covered service member, the District may require the employee to continue taking leave until the end of the semester if the leave will last more than five working days.

VI. CERTIFICATION

If an employee requests leave under this policy, the employee must provide the District with a Medical Certification completed by the employee and the health care provider treating the covered service member. If requirements for certification are not completed, the District may deny the leave. The District may request periodic recertification at the District's expense.

VII. INSURANCE AND BENEFITS

While an employee is on approved paid leave, benefits continue as if the employee remained at work. While an employee is on approved unpaid leave, the District will maintain group health insurance under the conditions that applied before the leave began, and the employee must make arrangements to pay the employee's portion of the health insurance premium and any other insurance premiums required to be paid

by the employee during the term of the unpaid leave. The District's obligation to maintain health insurance benefits will terminate if and when an employee informs the District of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is depleted, or if the employee fails to make any required payments while on leave.

If the employee does not return to work after the leave entitlement has been exhausted, the District has the right to recover the health insurance premiums paid on behalf of the employee during a period of unpaid leave. An employee must return to work for at least thirty calendar days in order to be considered to have "returned" to work.

VIII. RETURN FROM LEAVE

An employee returning from leave as provided under this policy can return to his or her prior position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee shall be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

An employee may return to work prior to the scheduled end of the leave. The employee shall be returned to his or her prior position or an equivalent position within a reasonable time after the request to return to work early is made.

IX. INTERPRETATION

Any questions regarding military caregiver leave use and/or interpretation should be directed to the District Office.

Adopted: 04/01/2020