

INTEROFFICE MEMORANDUM

TO: BOARD MEMBERS
TIM WYROSDICK, SUPERINTENDENT

FROM: DON LEWIS LYNN, JR. 
ASST. SUPT./HUMAN RESOURCES

SUBJECT: HRPM REVISION – FAMILY AND MEDICAL LEAVE

DATE: 04/14/2014

The attached pages from our Human Resource Procedures Manual include a proposed revision regarding the process for Family Medical Leave.

If you have any questions concerning this revision, please call me at 983-5030.

C7.3 Family and Medical Leave

Effective July 1, 2011 FMLA will be calculated on a rolling 12 month period measured backward from the date of any FMLA usage.

a. **Eligible Employees:** In compliance with the Family and Medical Leave Act, employees of Santa Rosa County School Board who have worked for the Board for at least 12 months and have worked at least 1,250 hours during that time. The 1,250 hours shall be actual hours worked, including use of earned paid leave. It will not include unpaid leave or donated and/or sick bank paid leave used by the employee. The employee may be entitled to a total of 12 work weeks of leave during any 12 month period when leave is taken for one or more of the following circumstances:

- 1) The birth of a son or daughter of an employee to care for the newborn child within one year of birth;
- 2) The placement with the employee of a child for adoption or foster care to care for the newly placed child within one year of placement;
- 3) To care for employees spouse, son, daughter, or parent who has a serious health condition; or
- 4) A serious health condition that makes the employee unable to perform his/her job;
- 5) A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves: either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.
- 6) Where both spouses work for the Board, their total, combined leave in any 12-month period is limited to 12 weeks if leave is taken for the birth or adoption of a child or to care for a parent with a serious health condition.
- 7) Eligible employees with a spouse, son, or daughter, or parent who is a military member on covered active duty or called to active duty status may use up to 12 workweeks to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, attending post-deployment reintegration briefings; or

Family Medical Leave is also available for an employee to care for a covered service member who is the employee's spouse, son or daughter, parent or next of kin, and who has a serious injury or illness incurred or aggravated in the line of duty while on active duty. This type of leave, called "Military Caregiver" or "Covered Service Member Leave," may extend up to 26 workweeks in a single 12-month period.

b. **Intermittent or Reduced Schedule Leave**

- 1) When medically necessary, intermittent or reduced schedule leave can be taken in cases of a serious health condition, either an employee's own or that of a family member. Intermittent or reduced leave

schedule is not available for the birth or placement of a son or daughter.

- 2) Employees seeking intermittent or reduced schedule leave based on planned medical treatment are required to produce medical certification outlining the dates on which treatment is expected and the

duration of the treatment. Employees are expected to make a reasonable effort, subject to the health care provider's approval, to schedule treatment so as to not unduly disrupt the Board's operation. Employees are also required to give the Board, through the Human Resource Office, thirty (30) days notice, or as much notice as is practicable, of their intentions.

- 3) In the event an employee requests intermittent or reduced schedule leave due to a family member's or the employee's own serious health condition, the employee may be transferred by the Board to a temporary alternative job for which the employee is qualified and which better accommodates the Board's needs and that of the employee.
- 4) Instructional employees who request intermittent leave on a reduced schedule to care for a family member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, when the employee would be on leave for more than 20 percent of the total number of working days over a period the leave would extend, are required to choose either to:
 - a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - b) Transfer temporarily to an available alternative position for which the instructional employee is qualified which as equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.
- 5) If the instructional employee does not give required notice of foreseeable family and medical leave as required by this Act for intermittent or on a reduced leave schedule, the Superintendent may require, at his discretion, the employee to take leave of a particular duration, to transfer temporarily to an alternative position, or require the employee to delay the taking of leave until the notice provision is met.

c. Notice

- 1) A minimum of thirty (30) days advance notice of an employee's intent to take leave is required when it is foreseeable because of:
 - a) The expected birth of a baby;
 - b) The expected placement of a child for adoption or foster care;
 - c) Planned medical treatment for a son, daughter, spouse, or parent with a serious health condition; or
 - d) Planned medical treatment in case of the employee's own serious health condition.
- 2) If leave has to begin in less than thirty (30) days as a result of one of the above-referenced circumstances, the employee still must provide the Board, through its Human Resource Office, with advance notice as is practicable.

~~3) When notified of the need for FMLA, n~~Notice ~~will be must be~~ provided in writing from the Human

Resource Office to the employee concerning eligibility for FMLA and the employee's Rights and Responsibilities. Human Resource Office of the Board. When notice is not given in these circumstances, the employee will be considered to have taken "unauthorized leave" and be subject to appropriate disciplinary action. When the employee fails to notify the Human Resource Office in these circumstances, the employee will be considered to have taken "unauthorized leave" and be subject to appropriate disciplinary action.

d. Certification

- 1) When leave is requested based on a family member's or employee's own serious health condition, the employee must provide, in writing, a medical certification of the condition and the need for leave from the employee's health care provider within sixteen (16) days of the written request for leave. This certification must contain:
 - a) The date the serious health condition began;
 - b) The probable duration of the condition;
 - c) The appropriate medical facts regarding the condition that are within the knowledge of the health care provider;
 - d) Where leave is based on care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that the need will continue;
 - e) Where leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his or her job;
 - f) Where intermittent or reduced leave is sought for planned medical treatment, a declaration from the health care provider stating that this kind of leave is medically necessary, the dates that treatment is expected to be given and the duration of the treatment and
 - g) Military Family Leave will need documentation such as active duty orders.
- 2) This certification will be treated as a confidential medical record and information will be disclosed only on a strictly need-to-know basis, unless otherwise required by Florida Law.

e. Use of Paid Leave

An employee who wishes to take Family Medical Leave is required to first use up any accrued paid leave. Family Medical Leave will begin on an hour for hour basis if intermittent and on the next full work day of absence for a planned continuous leave period. can be elected as follows:

- ~~1) Accrued paid vacation, or sick leave for birth, placement or to take care of a sick family member; or~~
- ~~2) Accrued paid vacation, or sick leave to take care of a sick family member or because of the employee's own serious illness.~~

f. Recertification

An employee who has taken leave because of a serious health condition (~~excludes leave needed for routine maternity leave~~) or that of a family member is required by the board to obtain subsequent written recertification of the medical condition when the original certification states a full recovery sooner than the 12 weeks of FMLA eligibility or at the end of the twelve month FMLA designation period, whichever occurs sooner. ~~every five (5) weeks during the duration of the condition.~~ The Board also requires employees on leave under this provision to report periodically, ~~in writing, at least every two (2) weeks at~~ least every four (4) weeks, on his or her status and the intention of the employee to return to work. Failure of the employee on leave to report periodically on his or her status may subject the employee to discipline for unexcused absences.

g. Restored Employment

- 1) Eligible employees who comply with all provisions of this Act and who return from family and medical leave have the right to return to the job position that they held when they went on leave, or they may be placed, at the discretion of the Board, in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. While on leave, eligible employees will retain all accrued benefits. Restored employees, eligible employees returning from family and medical leave, are not entitled to accrue seniority or employment benefits during any period of leave. Restored employees are not entitled to any right, benefit or position of employment other than any to which they would have been entitled had they not taken the leave.
- 2) As a condition to restoring an employee whose leave was based on the employee's own serious health condition, each returning employee may be is required to provide, in writing, to the Human Resource Office a certification from the employee's health provider stating that the employee is able to resume work.

h. Maintenance of Benefits

- 1) The Board will maintain group health plan coverage for employees on family and medical leave or employees on Workers Compensation leave for the duration of the eligible employee's leave. Coverage will be provided on the same level and under the same conditions that coverage would have been provided if no leave had been taken.
- 2) In the event an employee fails to return to work after the period of leave expires, the Board may recover any premiums the Board paid for coverage during the leave period. Such recovery can be taken from any benefits or wages owed by the Board to the employee.
- 3) In the event, however, that the employee fails to return to work because of the continuation, recurrence or onset of a serious health condition of a family member or the employee's own serious health condition that would otherwise entitle the employee to take leave, or due to other circumstance beyond the control of the employee, the Board will not attempt to recover such premiums. In this circumstance, if the current FMLA health care provider's (HCP) certification clearly states an extended duration of need, the employee may request leave of absence. If the HCP certification expires with the expiration of the FMLA designation, the employee may be is required to provide, in writing to the Human Resource Office, a statement or certification from the employee's ~~HCP health care provider to that effect supporting the extended absence.~~

i. Leave Taken Near the End of Academic Term

- 1) Instructional employees who begin leave more than five weeks before the end of a term are required to continue taking leave until the end of the term if:
 - a) The leave will last at least two weeks; and

- b) The employee would return to work during the three week period before the end of the term.
- 2) Instructional employees who begin leave for a purpose other than the employee's own serious health condition during the five week period before the end of the term are required to continue taking leave until the end of the term if:
 - a) The leave will last more than two weeks; and
 - b) The employee would return to work during the two week period before the end of the term.
- 3) Instructional employees who begin leave for a purpose other than the employee's own serious health condition during the three week period before the end of a term, and the leave will last more than five working days, are required to continue taking leave until the end of the term.
- 4) For purposes of this Subsection, "academic term" shall mean the school semester as set by the Board.
- 5) If an employee is required to take leave for a period of particular duration or is required to continue taking leave until the end of a school term, the entire period of leave taken will count as family medical leave.

C7.4 Illness in line-of-duty leave

- a. An employee of the Santa Rosa County School District shall be entitled to a maximum of ten (10) days illness-in-the-line-of-duty leave each school fiscal year when unable to perform his duties because of personal injury in the discharge of his duties, and when such absence is not covered by workers' compensation or because of illness from a contagious or infectious disease contracted in his work.
 - 1) The principal or supervisor shall be notified as soon as the illness or injury occurs.
 - 2) The employee shall file a written claim form signed by the principal or the immediate supervisor and immediately forward to the Risk Management Department. The employee shall file a statement from a licensed physician certifying beyond a reasonable doubt that the employee's injury, contagious or infectious disease was a result of the employee's work. The physician's statement shall also include the length of time the employee is unable to return to duty because of illness.
 - 3) The school board, after determining that the claim correctly states the facts as valid, will approve the leave.
 - 4) Any workers' compensation payment received by the employee while he is on compensable leave shall be deducted from his gross salary, or the check received from workers' compensation shall be endorsed to the school board.
 - 5) Any claim for leave shall be filed within five (5) working days after return to work from said injury. Any employee who fails to make claim within this time frame shall not be granted leave under this policy.
 - 6) Any person granted leave as herein prescribed, who has used the ten days as provided by law, may be granted additional leave by action of the board as hereinafter prescribed.
 - a) The employee shall file a certificate signed by a licensed physician designated by the school board