
INTEROFFICE MEMORANDUM

TO: BOARD MEMBERS
TIM WYROSDICK, SUPERINTENDENT

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

SUBJECT: HUMAN RESOURCE PROCEDURES MANUAL (HRPM) REVISIONS

DATE: 08/02/2012

The Human Resource Department has conducted a review of our Human Resource Procedures Manual and recommends the revisions listed below.

Page 86 - Updated Family Medical Leave section regarding military Family Medical leave based on advice from legal counsel.

Pages 89, 91 – Updated Maintenance of Benefits section to include maintenance of group health plan coverage for employees on Family Medical Leave or employees on Workers Compensation leave.

If you have any questions concerning these changes, 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 on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week entitlement 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, and attending post-deployment reintegration briefings; or
- 8) ~~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. Twenty-six workweeks of leave during a single 12 month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).~~

b. Intermittent or Reduced Schedule Leave

- 1) When medically necessary, intermittent or reduced schedule leave can be taken in cases of a serious

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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 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, the employee is required to provide, in writing to the Human Resource Office, a certification from the employee's health care provider to that effect.

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.

contract during the time such leave is granted and any payment is made.

- f) Illness in line of duty leave may not be extended beyond the maximum medical improvement date or maximum of two years from the date of injury, whichever is the earliest date.

b. Return to Work Guidelines

It is the goal of the Board to avoid whenever possible lost time injuries. In the event of a loss time injury the goal is to return the employee as soon as possible to productive employment. The guidelines below are for returning employees to productive employment on a temporary and long term basis.

1) Return To Work With No Limitations.

The employee shall furnish the Risk Management Department and his/her Supervisor with a written statement from the workers' compensation physician stating that they may return to his/her job with no limitations.

2) Return To Work With Limitations.

The employee shall furnish the Risk Management Department and his/her Supervisor with a written statement from the workers' compensation physician stating the employee's physical limitations. If the employee with a limitation can be reasonably accommodated in such a manner as to allow the employee to perform the essential functions of his/her regular position, the employee will be returned to his/her regular position. In the event the employee may not return to his/her regular position one of the following options will apply.

a) Temporary Limitations.

In the event an employee cannot return to his/her regular position due to a temporary limitation, an effort will be made to offer the employee another position on a temporary basis. The temporary assignment ends as soon as the employee reaches maximum medical improvement. The temporary re-assignment is made by the Risk Manager and Assistant Superintendent for Human Resources and is at a different site from the employee's former regular position. The Florida Workers' Compensation Statute states that maximum medical improvement is reached by 104 weeks from the date of injury.

b) Permanent Limitations.

In the event the employee is released with permanent limitations and the employee cannot be accommodated in such a way as to enable the employee to perform the essential functions of his/her former regular position the employee will be offered another position that is open. The employee must meet minimum qualifications for the new position. The employee's salary will be adjusted to meet the schedule of the new assignment.

c) Maintenance of Benefits

The Board will maintain group health plan coverage for employees on family and medical 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.