

FAMILY AND MEDICAL LEAVE ACT (FMLA)

School Administrative Unit #9 complies with the Federal Family and Medical Leave Act (FMLA) of 1993 and all applicable State laws related to family and medical leave. This means that, in cases where the law grants you more leave than our leave policies provide, the SAU will give you the leave required by law.

FMLA Leave Eligibility: The FMLA provides up to twelve (12) weeks of unpaid leave every twelve (12) months to eligible employees for certain family and medical reasons. To be eligible, you must have worked for the SAU for twelve (12) months, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months. (See the FMLA regarding exemptions for certain highly compensated employees.) Intermittent leave will be permitted for eligible employees where necessary.

Reasons for Taking Leave: If you are an eligible employee you are entitled to FMLA leave for any of the following reasons:

- a) To care for a newborn, an adopted child, or a foster child within a year of the child's arrival;
- b) To care for a spouse, child, or parent who has a serious health condition;
or
- c) For a serious health condition that makes you unable to perform the functions of your job.

Where your need for FMLA leave is foreseeable, you must provide notice of your need for leave to the SAU not less than thirty (30) days before the leave is scheduled to begin. If your need for FMLA is not foreseeable (for example, where a birth or placement of a child or a need for medical treatment requires leave to begin in less than thirty (30) days), you must provide notice as soon as practicable.

If your need for leave is foreseeable based on planned medical treatment, you should make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the SAU subject to the approval of your health care provider.

The SAU requires that you provide a medical certification of your need for leave because of a serious health condition (whether your own or that of your child, spouse, or parent) whenever the leave is expected to extend beyond **five (5)** consecutive working days or will involve intermittent or part-time leave.

The SAU requires that you provide a medical certification of your ability to resume work after a FMLA leave for your own serious health condition that extends beyond **ten (10)** consecutive working days.

Substitution of Paid Leave for FMLA Leave: The SAU requires employees on FMLA leave to substitute any accrued paid vacation leave, personal leave, or family leave or, in the case of leave taken for a serious health condition, medical or sick leave for unpaid FMLA leave.

Periodic Reporting: If you take leave for more than two (2) weeks, the SAU requires that you report to your Immediate Supervisor at least every two (2) weeks on your status and intent to return to work.

Measurement of 12 Month Period: **[This is the measurement US&S recommends. Several other options are available.]**

For purposes of this policy, the “twelve month period” described in the FMLA will be measured forward from the date the employee’s first FMLA leave begins. Accordingly, you are entitled to twelve (12) weeks of leave during the year beginning on the first day you take FMLA leave. The next twelve (12) month period would begin on the first day on which you take FMLA leave after the completion of any previous twelve (12) month period.

The completion provisions of the FMLA are too lengthy to include in this policy. However, if you have questions about the FMLA or would like to review the statute itself, please contact the SAU #9 Assistant Superintendent or the United States Department of Labor.