



Book	KCKPS Board Policies
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GARI Family and Medical Leave

Eligible employees who experience a qualifying event will be provided family and medical leave as required by the Family Medical Leave Act ("FMLA") and state law. The provisions of this policy are intended to comply with applicable law, including the FMLA and its enabling regulations. Terms used in this policy will have the same meaning as defined by the FMLA.

FMLA Eligibility

To be eligible for FMLA, employees must:

1. have been employed with the District for a total of at least twelve (12) months; and
2. have worked at least 1,250 hours during the 12-month period immediately preceding the first day of FMLA qualifying leave. For purposes of this policy, the 12-month period shall be defined as beginning on the first day of the employee's FMLA leave. Full-time teachers are deemed to meet the 1,250 hours eligibility test.

Medical Events Qualifying for FMLA Coverage

Parental and Child Care Leave: Eligible employees may use up to twelve (12) weeks of leave for the birth and care of an employee's child or placement and care of a child through adoption or foster care. Leave must be taken with twelve (12) months following the birth, placement or adoption of the child. Leave may not be used intermittently or on a part-time basis without the prior approval of the district.

Family Illness: Eligible employees may use up to twelve (12) weeks of leave to care for an employee's family member (spouse, qualifying child or parent) with a serious health condition.

Personal Illness: Eligible employees may use up to twelve (12) weeks of leave for a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her assigned duties.

Military Events Qualifying for FMLA Coverage (See GARID)

Exigency Leave: Eligible employees with a spouse, child or parent on active duty or called to active duty status in the National Guard or Reserves or regular Armed Services in support of a contingency operation and deployed to a foreign country may use up to twelve (12) weeks of leave to address certain qualified exigencies. Qualifying exigencies may vary but would include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counselling sessions and attending post-deployment reintegration briefings.

Military Caregiver Leave: Eligible employees may take up to twenty-six (26) weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been seriously injured or incurred a serious illness while deployed on active duty. The service member must be undergoing medical treatment, recuperation, or therapy; or be in outpatient status; or be on the temporary disability retired list. The medical treatment, recuperation or therapy may begin at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

Notice of Family Medical Leave

Employees should submit requests for Family Medical Leave in writing to Human Resources. Notice should ordinarily be provided at least thirty (30) days in advance of the Family Medical Leave. Employees who have been approved for intermittent Family Medical Leave should report absences in accordance with normal reporting procedures by identifying the Leave as Family Medical Leave on the absence notification. Failure to follow absence reporting procedures may result in disciplinary action.

Unforeseeable Event: If Leave is not foreseeable, then notice should be provided as soon as possible normally within one (1) or two (2) business days of learning of the need for leave. The request may be made verbally, with a follow-up request in writing indicating the beginning date and anticipated return to work date.

Foreseeable Leave for a Planned Medical Treatment: Employees must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operation subject to the approval of the health care provider of the employee, child, spouse or parent of the employee, as appropriate. The District reserves the right to place an employee taking Leave for a foreseeable planned medical treatment in an alternative position with equivalent pay and benefits that would accommodate intermittent absences associated with the treatment.

Review of Leave Request

Upon receipt of notice from the employee, the District will provisionally designate the employee's leave as FMLA Leave pending receipt of required documentation which must be received within fifteen (15) calendar days from the beginning date of the Leave request. If the employee fails

to provide the required documentation or the District is not otherwise been able to confirm that the employee's leave qualifies as FMLA Leave, then the Leave will not be designated as FMLA Leave.

Required Documentation - Qualifying Medical Event

Parental Leave: Employees must submit a statement that contains information outlined in United States Department of Labor form WH-380-E and/or WH-380-F for the birth and care of an employee's child. Employees seeking Parental Leave for the placement and care of a child through adoption or foster care must provide written certification from the employee's attorney or adoption agency stating that the employee is the process of adopting or becoming a foster parent, describing any anticipated reasons for leave and estimating how long the process is expected to take.

Family Illness: Employees must submit a statement that contains information outlined in United States Department of Labor form WH-380-E.

Personal Illness: Employees must submit a statement that contains information outlined in United States Department of Labor form WH-380-E.

Required Documentation - Qualifying Military Event

Exigency Leave: Employees must submit a statement that contains information outlined in United States Department of Labor form WH-384.

Military Caregiver Leave: Employees must submit a statement that contains the information outlined in United States Department of Labor Form WH-385.

Updated Information. If Leave extends beyond thirty (30) calendar days, the District may require periodic updates and/or recertification for continued FMLA Leave.

Review of Medical Certification. The District may require, at its expense, the opinion of a second health care provider designated or approved, but not regularly employed, by the District. IF this second opinion differs from the first opinion, the District may require, at its expense, the opinion of a third health care provider, designated or approved jointly by the employee and District. The opinion rendered by the third health care provider is final and binding on the employee and the District.

Coordination of Leave

Family Medical Leave provided by the District is without pay. However, employees are required to use any other available paid or unpaid Leave concurrently with Family Medical Leave. This includes Disability Leave, Personal Leave, Vacation Leave, Legal Leave, Workers' Compensation Leave and Overtime Compensatory Leave. (See GARIF, GARH, GAOE and GCA). All available paid Leave must be exhausted before Leave without pay is authorized. Employees on Family Medical Leave are not eligible for Bereavement Leave, Emergency Leave, Professional Leave or Political Activity Leave. (See GARH and GAHB).

The total duration of both paid and unpaid leave under this policy shall not exceed twelve (12) weeks during any 12-month period or twenty-six (26) weeks during any 12-month period for service member leave. The substitution of paid leave for unpaid leave does not extend the 12-workweek leave period.

Health and Other Insurance Benefits: Employees on Family Medical Leave remain eligible to participate in the health and other insurance benefits in the same manner as they participated immediately prior to taking Family Medical Leave. Employees must continue to pay their portion of any costs or premiums for such benefits, through elective payroll deductions or otherwise, and the failure of the employee to pay their portion may result in the cancellation of the benefit. The District will continue to pay the employer portion of the cost of group health benefits in the same manner as paid immediately prior to the leave. The District may terminate group health coverage if the employee's portion of the payment is not received within thirty (30) days of the due date, so long as written notice of the delinquency in payment and the notice of intent to terminate coverage are sent at least fifteen (15) days prior to the termination. Family Medical Leave does not constitute a qualifying event under COBRA. If the district becomes aware that the employee will not return to work, and as a result ceases to be on leave, a COBRA qualifying event may occur. If the employee on Family Medical Leave fails to return to work for reasons other than a serious health condition or other circumstances beyond his or her control, the district may recover the premium paid for the employee's continued health coverage during the leave.

Coordination with Other Employee Benefits

No additional benefits will accumulate or accrue during Family Medical Leave.

Coordination of Family Medical Leave of Spouses: A married couple with both spouses employed by the District are limited to a combined total of twelve (12) workweeks of FMLA Leave during a 12-month period for the birth, adoption or foster care placement of a child with the employees, for aftercare of the newborn or newly placed child, and to care for a parent with a serious health condition. Each spouse may be entitled to additional FMLA Leave for other qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and twelve (12) workweeks, but not more than a total of twelve (12) workweeks per person). For example, if each spouse took six (6) weeks due to his/her own serious health condition or to care for a child with a serious health condition.

A married couple with both spouses employed by the District are limited to a combined total of twenty-six (26) workweeks of leave to care for a military caregiver leave during a single 12-month period. The twenty-six (26) workweek time period will be reduced, however, by the number of days of leave the employee took under the Act for other qualifying reasons.

Return to Work

Reinstatement to Same or Equivalent Position: Employees returning to work from Family Medical Leave are entitled to return to the same position he/she previously held or to an equivalent position with equivalent employment benefits and other terms and conditions of employment. However, an employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA Leave not been taken. Thus, an employee would not be entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

Medical Clearance: Any employee who takes Family Medical Leave for his or her own serious health condition will be required to submit a fitness for duty certification from the employee's treating physician stating that the employee is able to return to work. The District shall have the right to delay restoration of employment until the employee provides the required fitness for duty certificate. If the employee fails to provide either a fitness for duty certification or a new medical certification for a

serious health condition at the time that the Family Medical Leave is concluded, then the employee may be terminated.

Failure to Return to Work: If an employee fails to return to work following the conclusion of Family Medical Leave, the employee will be considered to have voluntarily resigned. This provision shall not apply to employees on Family Medical Leave who are eligible for additional time off pursuant to other available Leave.

Outside Employment

Outside employment while on Family Medical Leave for an employee's own serious health condition is prohibited. (See GAQC).

Special Rules for Instructional Employees

Any employee who works primarily in an instructional capacity and requests a period of Leave near the conclusion of the academic term may be required to continue the Leave until the end of the academic term. When an instructional employee requests Leave that is foreseeable on planned medical treatment and which would last longer than 20% of the total number of working days during the Leave period, the District may require the employee to choose either:

1. to take the leave for a period or periods of particular duration, not greater than the duration of the planned treatment of the illness; or
2. transfer temporarily to an available alternative position for which he/she is qualified, which has equivalent pay and benefits, and which better accommodates the leave schedule.

When an instructional employee begins any leave more than five (5) workweeks before the end of the academic term, the district may require the employee to continue taking leave until the end of the term, if:

1. The leave is at least three (3) weeks.
2. The employee's return would occur during the last 3-week period of the academic term.

When an instructional employee begins any leave more than five (5) workweeks before the end of the academic term for the birth or placement of a child or for the serious health condition of a child, parent or spouse and the leave is for more than five (5) working days, the district may require the employee to continue taking leave until the end of the term, if:

1. The leave is longer than two (2) weeks.
2. The employee's return would occur during the last 2-week period of the academic term.

If an instructional employee begins leave less than three (3) workweeks before the end of the academic term for the birth or placement of a child or for the serious health condition of a child, parent or spouse and the leave is for more than five (5) working days, the district may require the employee to continue taking leave until the end of the academic term.

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