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A 0 A “serious health condition” is a medical condition that involves subsequent treatment by a health care provider.

B. An “immediate family member” includes:

C. A “child” is a biological child of the employee for whom medical leave is that 18 years of age or medical leave begins

SECTION III: LEAVE BENEFITS AND CONDITIONS

All family and medical leave is unpaid leave. Before utilizing unpaid family or medical leave, eligible employees must first apply all earned paid leave time following district policies, with the remainder of the 12 weeks consisting of unpaid leave.

The following special conditions apply only to leaves for the birth, adoption, or placement of a child:

- A. The entitlement to leave for birth, adoption, or placement of a child expires 12 months from the birth, adoption, or placement of the child.
- B. Eligible employees may not take intermittent leave or leave on a reduced schedule for birth, adoption, or placement of a child unless prior approval is received from the FMLA Specialist. If such leave is granted, the employee may be temporarily transferred to an available position with equivalent pay and benefits that better accommodate the employee's need for intermittent leave.
- C. If both parents seeking leave for the birth, adoption, or placement of a child or to care for a parent who has a serious health condition, are employed in the district, they are entitled to a total leave period of 12 weeks or 26 weeks for "military caregiver leave."

SPECIAL CONDITIONS FOR INSTRUCTIONAL EMPLOYEES

The following special conditions apply only to leave taken by instructional employees:

- A. If an instructional employee requests intermittent leave or leave on a reduced leave schedule to care for a family member or because of his or her own serious health condition or resulting from planned medical treatment, and the employee would be on leave for more than 20% of the total number of working days over the leave period, the district may require the employee to either:
 1. Transfer to an equivalent position that better accommodates the recurring leave, or
 2. Take leave for periods of a particular duration not greater than the duration of the planned treatment.
- B. If an instructional employee begins leave more than five (5) weeks before the end of a semester, 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 (3) weeks, and
 2. The employee would return to work during the last three (3) weeks of the semester.
- C. If an instructional employee begins leave for a purpose other than his or her own serious health condition during the last five weeks of a semester, 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 (2) weeks, and
 2. The employee would return to work during the last two (2) weeks of the semester.
- D. If an instructional employee begins leave for a purpose other than his or her own serious health condition during the last three (3) weeks of a semester and the leave will last more than five (5) working days, the district may require the employee to continue taking leave until the end of the semester.

Although the family or medical leave for all eligible employees is unpaid leave once paid leave is exhausted, the employee is considered to be employed while on leave. Therefore, the employee is not entitled to unemployment compensation during the leave period.

SECTION IV: NOTICE

If the need for leave is not foreseeable, an employee must provide notice to the FMLA Specialist within two (2) working days of learning of the need for leave, except in extraordinary circumstances.

If the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member, an employee must provide notice to the FMLA Specialist at least thirty (30) days before the leave is to begin.

If an employee fails to give at least 30 days advance notice for foreseeable leave with no reasonable excuse for the delay, the district may deny the taking of leave until at least thirty (30) days after the date of the notice.

When planning medical treatment, the employee should consult with the FMLA Specialist and make a reasonable effort to schedule the leave so as not to unduly disrupt the district's operations. Upon receipt of

opinion. The District has the right to request a new medical certification each leave year for medical conditions lasting longer than one(1) year.

The District may require recertification every month unless the certification lists a minimum duration of incapacity. However, in all cases, the District may request recertification of an ongoing condition every six (6) months in conjunction with an absence. Failure to provide recertification may result in revocation of leave.

SECTION VI: ACCRUED BENEFITS

An eligible employee who takes family or medical leave will not lose employment benefits other than the loss of earned paid leave time taken in conjunction with the fa

SECTION VIII: PROHIBITIONS

Consistent with the District's policy regarding all types of leave, the following conduct is strictly prohibited in relation to FMLA leave:

Engaging in fraud, misrepresentation, or providing false information to the District or any health care provider.

Having other employment during the leave, without prior written approval from the District.

Failure to comply with the employee's obligations under this policy.

Failure to timely return from leave.

Employees who engage in such conduct will be subject to loss of benefits, denial or termination of leave, and discipline, up to and including discharge.

THE DISTRICT'S COMMITMENT

The District will not interfere with, restrain, or deny the exercise of any right provided by the FMLA, nor will it discharge or discriminate against any individual for opposing any practice or involvement in any proceeding relating to the FMLA.

SOURCE: Jackson Public School District, Jackson, Mississippi