Pulaski Community School District Administrative Procedures	Policy Reference: GCBDA Rule Code: GCBDA - ADM Date: June 19, 2019

FAMILY AND MEDICAL LEAVE ACT

1. Eligibility Requirements
   To be eligible for leave under federal law, employees must have been employed by the District for at least twelve months and must have worked at least 1,250 hours during the twelve-month period immediately preceding the commencement of the requested leave. To be eligible for leave under state law, an employee must have been employed by the District for 52 consecutive weeks and have worked 1,000 hours in the 52-week period prior to the time leave commences.

2. Types of Leave Available
   The District provides family and medical leave for eligible employees under the following circumstances:

   a. For the birth of the eligible employee's child and to care for a newborn child:

   b. For placement with the eligible employee of a child for adoption or foster care;

   c. To care for an eligible employee's spouse, child or parent with a serious health condition.

      "Child" under this paragraph includes a biological, adopted or foster child, a stepchild, legal ward, or a child for whom an employee has assumed the obligations of a parent and who is either under 18 years of age or unable to care for him or herself due to a physical or mental incapacity or serious health condition.

      "Parent" under this paragraph includes parents-in-law only if an employee is requesting leave under the WFMLA.

   d. Because of a serious health condition that makes the eligible employee unable to perform any of the essential functions of the employee's job.

3. Certification by Health Care Provider
   If leave is requested due to an employee's own serious health condition or the serious health condition of an employee's spouse, child or parent, the District may require that the leave request be supported by certification issued by the employee's health care provider or the health care provider of an employee's spouse, child or parent. The District reserves the right to certify all information permitted by law.

4. Definition of a Serious Health Condition
   In conjunction with the certification provided by a health care provider, the District reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling an employee to family or medical leave under state or federal law.

   In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one of the following:

a. Hospital Care
Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

b. Absence Plus Treatment
A period of incapacity of more than three consecutive days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
    1. Treatment two or more times by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider; or
    2. Treatment by a health care provider on a least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

Under the WFMLA, leave may also be available for a serious health condition of less than three (3) consecutive days in duration.

c. Pregnancy
Any period of incapacity due to pregnancy, or for prenatal care.

d. Chronic Conditions Requiring Treatments
A Chronic condition which:

    1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
    2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    3. May cause episodic rather than continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

e. Permanent/Long-Term Conditions Requiring Supervision
A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or employee's family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's disease, a severe stroke, or the terminal stages of a disease.

f. Multiple Treatments (Non-Chronic Conditions)
Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under order of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or kidney disease (dialysis).

5. Amount of Leave Available
Under federal law, if an employee meets the eligibility requirements spelled out in Section 1, they are entitled to a total of twelve work weeks of leave during the twelve month period for any of the reasons state in Section 2, above. The twelve month period utilized by the District in applying this Policy is defined as the calendar year.

Under state law, if an employee meets eligibility requirements spelled out in Section 1, they are entitled to:

a. a total of six weeks of leave for the birth of an employee's natural child and/or the placement of a child with an employee for, or as a precondition to, adoption;
b. a total of two weeks of leave to care for a covered family member with a serious health condition; and
c. a total of two weeks of leave if an employee cannot perform the employment duties due to the employee's serious health condition.

The District will treat use of family and medical leave under the Policy as simultaneous use of state and federal leave entitlements whenever permitted by law.

6. Manner in Which Leave can be Taken
   Leave available under this Policy my be taken in full, and, under certain circumstances, may also be taken intermittently (e.g., one week at a time) or a reduced leave schedule (e.g., consecutive hours at a time). See the Superintendent or his/her designee for details.

7. Leave When Employee is in Instructional Capacity
   A. In General
      The following section relates to federal FMLA law. If a leave is covered in full by the Wisconsin FMLA, this section does not apply.

      In any case in which an employee employed principally in an instructional capacity requests federal FMLA leave that is foresee ably based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the District may require that such employee elect either:

      1. To take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or
      2. To transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that;
         a. Has equivalent pay and benefits; and
         b. Better accommodates recurring periods of leave than the regular employment position of the employee, or
      3. Take a leave pursuant to the rules that are applicable to periods of leave taken near the conclusion of a semester.

8. Compensation During Leave
   Generally, leave taken under this policy is unpaid. For leaves governed exclusively by federal law, the District reserves the right to require employees to use paid leave for leave that would otherwise by unpaid FMLA leave taken under this policy.

   Employees may not substitute paid sick leave or paid medical leave for leave taken under this Policy in any situation where the District would not normally provide such paid leave. However, for leaves governed by state law, employees may substitute paid or unpaid leave which they have earned and accrued for leave taken under this policy, if available. The District reserves the right to deny substitution as permitted by law.

9. Continuation of Benefits
   Employees will remain eligible for group health insurance benefits under the District's group health plan during leave taken under this Policy under the same conditions as coverage would have been provided if the employee had been actively employed during the entire leave. However, employees have the option of choosing not to retain such coverage during family or medical leave if they prefer.

   During leave taken under this Policy, the District will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. Employees are responsible for paying their portion of the health insurance premiums regardless of whether their family and medical leave is paid or unpaid. It is the employee's responsibility to make arrangements with the human resources office for making premium payments for group health insurance during leaves.

10. Employment Restoration
    To the extent required by law, when an employee returns from family and medical leave, he/she will be returned to the same position he/she held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. This policy does not entitle an employee to any right, benefit, or position of employment other than those to which he/she would have been entitled had he/she not taken leave. The District reserves rights concerning restoration of employment or denial of same under state or federal law.

11. Required Advance Notice
    Employees must provide the District with notice in a reasonable and practicable manner before leave taken under this Policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for an employees' own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with child birth or adoption, employees must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practicable due to uncertainty as to when leave will be required to begin, a change in circumstances, or medical emergency, notice must be given as soon as practicable.

    When planning medical treatment, employees should consult with their immediate supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations. Employees are ordinarily expected to consult with their immediate supervisor in order to work out a treatment schedule which best suits the employee's needs, as well as the District's.

LEGAL REFERENCES: Family and Medical Leave Act of 1993 (401:891)
Family and Medial Leave Act Regulation 29 CRF 825

Wisconsin Family and Medical Leave Act- Wis. Stats. 103.10
Wisconsin Family and Medical Leave Act Regulations – Ind 86 Wis. Admin. Code

Adopted: March 21, 2007
Revised: June 19, 2019