

AVON GROVE SCHOOL DISTRICT

SECTION: PROFESSIONAL EMPLOYEES
 TITLE: FAMILY AND MEDICAL LEAVES
 ADOPTED: SEPTEMBER 19, 2000
 REVISED: MAY 8, 2008
 FEBRUARY 12, 2009
 JUNE 11, 2009

335. FAMILY AND MEDICAL LEAVES	
<p>1. Purpose 29 U.S.C. § 2601 et. seq.; 29 CFR Part 825 et. seq.</p>	<p>The purpose of this policy is to address certain leave of absence issues and to ensure Avon Grove School District's compliance with the Family and Medical Leave Act.</p>
<p>2. Delegation of Responsibility</p>	<p>The Superintendent or his/her designee shall develop administrative guidelines regulating leave and ensuring the District's compliance with the Family and Medical Leave Act, as amended, (hereinafter referred to as "FMLA"). Although the details of the guidelines are to be left to the discretion of the Superintendent, the guidelines must adhere to the following basic principles, as well as, federal and state law and regulations:</p>
<p>3. Guidelines</p>	<ol style="list-style-type: none"> 1. Required notices shall be posted in conspicuous locations. 2. Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon hiring, upon request, whenever an employee requests an FMLA leave and whenever the District designates a leave as an FMLA leave. 3. All requests for leave (both FMLA leave and non-FMLA leave) shall be made in writing on forms developed by the Superintendent. The forms shall request sufficient information from which it may be determined whether the leave qualifies as an FMLA leave. Such forms shall be submitted to _____. 4. If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under a collective bargaining agreement, District policy or statutory mandate, the employee may utilize said leave during the FMLA leave at his/her discretion. 5. Medical certification forms, as allowed by the FMLA, shall be required whenever authorized by the FMLA. Qualified exigency certification forms arising from active duty or call to active duty shall be required whenever authorized by the FMLA.

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6. Employees shall be required to provide a fitness-for-duty certificate upon returning from a FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of a collective bargaining agreement.
7. Seniority shall accrue during FMLA leaves for all purposes and credit shall be given during FMLA leaves for accruals for other leaves.
8. Eligible employees shall be provided up to twelve (12) weeks of FMLA leave in a twelve month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for as seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to covered service members.
9. Eligible employees shall be provided up to twenty-six (26) weeks of FMLA leave in a single twelve-month period to care for an ill or injured covered service member.
10. Leave to care for a covered service member, when combined with other qualifying leave under FMLA, will not exceed twenty-six (26) weeks of leave in a single twelve (12) month period.
11. The district shall utilize a rolling twelve (12) month period measured backwards from the date leave is used so as to avoid "stacking" of back to back leave entitlements.
12. Employees are not required to utilize FMLA leave whenever they qualify for other available full-day leave to which they may be entitled.
13. An employee will be denied intermittent leave or a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, covered service member leave or the employee's own serious health condition, if:
 - a. the employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures); or
 - b. the employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule.
14. Eligibility for a FMLA leave shall be based entirely on the eligibility criteria established by the Family and Medical Leave Act. This policy shall not be

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	<p>construed to expand eligibility for a FMLA leave beyond what is required by the Act. However, to the extent this policy fails to comply with the requirements of FMLA, the provisions of FMLA shall prevail.</p> <p>15. This policy was adopted, in part, because of the enactment of the FMLA. Should that Act be repealed or declared invalid, in whole or in part, this policy shall become wholly void and a new policy will be adopted if and as necessary to comply with law.</p>
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