

**FAMILY AND MEDICAL LEAVE POLICY**

1. GENERAL. The South Tech Charter Academy, Inc. Governing Board will provide, to qualified employees, family and medical leave pursuant to the provisions of the 1993 Family Medical Leave Act ("FMLA"). FMLA leave is intended to allow employees to balance their work and family life by taking reasonable paid and/or unpaid leave for personal serious health conditions, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. During the period of FMLA leave entitlement, the Board will continue to provide paid health insurance for the employee.
2. FMLA leave shall be granted to eligible employees pursuant to the following criteria.
  - a. "Eligible Employees" are those employees who:
    - i. Have been employed for at least twelve (12) months by South Tech Charter Academy, Inc., and
    - ii. Have at least one thousand two hundred fifty (1,250) hours of service with the Board during the twelve (12) months prior to the requested leave.
  - b. Employees meeting the requirements of paragraph 2(a) shall be entitled to a total of twelve (12) weeks of FMLA leave per year (calculated on a rolling twelve (12)-month basis) for the following:
    - i. The birth of a child of the employee and/or in order to care for such child;
    - ii. The placement of a child with the employee for adoption or foster care;
    - iii. To care for a spouse, child, or parent of the employee if said individual has a serious health condition; or
    - iv. A serious health condition that makes the employee unable to perform the functions of his/her position with the Academy.
  - c. "Serious health condition" is defined as a condition which requires inpatient care in a hospital, hospice, or residential medical care facility; or continuing health treatment by a health care provider.
  - d. Where both husband and wife are employed by the Academy, they are permitted to take only a combined total of twelve (12) work weeks of leave if time off is requested for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. For FMLA leave based on other qualifying reasons, the husband and wife will each be entitled to their unused balance of twelve (12) weeks.
  - e. The Academy shall maintain, in full effect for the duration of the leave, health insurance coverage for an employee who is on leave, provided the employee:
    - i. was eligible for and received Academy provided group health insurance when actually working for the Academy; and/or
    - ii. is on unpaid leave and, if he/she pays for dependent insurance, pays partial premiums for his/her own coverage, or pays for other types of Academy offered insurance coverage, continues to make direct premium payments to the Academy while on leave.
  - f. An employee wishing to take FMLA leave, as outlined in paragraphs b(i) and b(ii) above, must provide the Academy with not less than thirty (30) calendar days written notice, before the date the FMLA leave is to begin, except if the birth or placement requires FMLA leave to begin in less than thirty (30) calendar days, the employee shall provide notice as is practical. Where FMLA leave is requested, as outlined in paragraphs b(iii) and b(iv) above, the employee, in writing, shall provide thirty (30) days notice, except that if the date of treatment requires the employee's leave to begin in less than thirty (30) days, the employee shall provide such written notice as is practical. The employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the Academy.

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- g. Medical leave as outlined in paragraphs b(iii) and b(iv) above may be taken intermittently when medically necessary. Intermittent leave is defined as leave taken in separate blocks of time due to a single illness or injury, rather than one continuous period of time. Intermittent leave may include leave of periods from an hour or more to several weeks. Such leave is available for the employee's own serious health condition, or for the employee to provide care for, and/or transport a spouse, son, daughter, or parent, to receive recurring necessary medical treatment (i.e. chemotherapy, prenatal visits, physical therapy, chiropractic care). Under such circumstances, the employee must try to schedule the leave so as not to unduly disrupt the operation of the Academy. Furthermore, the Academy may place the employee in an alternative position, with equal pay and benefits, which better accommodates intermittent leave. Intermittent leave is not available to care for a newborn or recently adopted child.
- h. The Academy shall require medical certification, signed by the employee's health care provider, when FMLA leave is requested for the serious health condition of the employee, or for a serious health condition of the employee's spouse, child or parent. Such certification shall state:
  - i. The date on which the serious health condition commenced;
  - ii. The probable duration of the condition;
  - iii. The appropriate medical facts within the knowledge of the health care provider regarding the condition.

A second and third opinion may be required at Academy expense for any case in which the Academy has reason to doubt the validity of the certification. In addition, when an employee has a continuing medical condition for which FMLA coverage is requested, the Academy may request recertification of the medical condition every thirty (30) days.

- i. Upon return from FMLA leave, the employee is entitled to be restored to the same position held prior to the leave or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. An employee whose FMLA leave was due to his/her own serious health condition must provide medical certification that he/she is fit for duty before returning to work.
  - j. While on FMLA leave, an employee is prohibited from engaging in outside employment.
  - k. An employee who fraudulently obtains FMLA leave is not protected by the FMLA job restoration or maintenance of health benefits provisions and will be subject to termination.
3. **PROCEDURE.** An employee wishing to request leave under the FMLA shall obtain the necessary form from the Academy Personnel Manager.

Authority: § 230.23(17); 230.23005, Fla. Stat.

Implemented: Family Medical Leave Act of 1993, codified at 29 U.S.C. § 2602 et seq., 29 Code of Federal Regulations Part 825

Reference: Palm Beach School District Policy 3.76

History: New: 01/12/2006