

BERMUDIAN SPRINGS SCHOOL DISTRICT

535-AR-1. FAMILY AND MEDICAL LEAVES - PROCEDURES

Employee Notice

An employee must provide sufficient information regarding the requested FMLA leave, in order for the district to determine whether the leave qualifies for FMLA protections.

The employee must specifically use the term FMLA leave if the requested leave is for an FMLA-qualifying reason for which the employee previously took FMLA leave.

Employer Notice

The district must notify the employee within five (5) business days of the employee's request as to whether the leave will be protected under the FMLA or not.

If the employee is eligible, the district will notify the employee of the following:

1. The employee's rights and responsibilities.
2. The amount of leave that will be counted against the employee's leave entitlement.
3. Whether or not the employee will have to submit a fitness-for-duty certification before returning to work.

If the employee is not eligible for FMLA leave, the district will provide a reason for the ineligibility.

Certification

An employee must submit required certification within fifteen (15) days after receiving the district's response to his/her request for leave, unless impracticable to do so.

If an employee submits an incomplete or insufficient certification, the district will notify the employee in writing of any additional information necessary to make the certification complete and sufficient; and the employee has seven (7) days to cure the deficiency.

The district may contact the health care provider for purposes of clarification and authentication, but the district may not request additional information beyond that required on the certification form.

When the district questions the validity of a certification, the district may require, at district expense, a second opinion from a health care provider designated by the district who is not regularly employed by the district.

When the second opinion differs from the original certification, the district may require, at district expense, a third opinion from a health care provider approved jointly by the district and the employee. The opinion of the third health care provider will be binding on the district and the employee.

The district will not require second or third opinions on qualifying exigency certifications or military caregiver leave certifications.

Recertification

The district will request a recertification in the following situations:

1. Every six (6) months in connection with an absence for an ongoing condition.
2. Each leave year for a condition that lasts longer than one (1) year.
3. If the employee requests an extension of leave.

The district will not require recertification for qualifying exigency leave or military caregiver leave.

Benefits During Leave

The district will maintain an employee's health care coverage under the district's group health insurance plan during FMLA leave, on the same terms as if the employee had continued to work.

Prior to beginning FMLA leave, an employee must make arrangements with the district for payment of the employee's share of health insurance costs.

An employee on FMLA leave will not lose any other employment benefits accrued prior to the date the leave began but is not entitled to accrue seniority or employment benefits during the leave period.

Return To Work

An employee on FMLA leave must report his/her status and intention regarding returning to work at least every four (4) weeks.

An employee returning to work must provide the district at least five (5) workdays' notice of his/her date of return.

When the FMLA leave is related to an employee's own serious health condition, the district will require the employee to submit certification from the employee's health care provider that the employee is able to return to work.

An employee will be returned to the same or equivalent position at the end of the leave, unless the district demonstrates that the employee would not otherwise have been employed at the time reinstatement is requested.

Under specific circumstances, the district may deny restoration to a key employee. A key employee is one who is among the highest paid ten percent (10%) of district employees and whose restoration would cause the district to experience a substantial and grievous economic injury.

If an employee fails to return to work after FMLA leave for any reason other than the continuation, recurrence or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the district will recover from the employee the premiums it paid to maintain the employee's health care coverage during the leave.

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