

Family and Medical Leave: (R - 11/12/98) (R 12/12/02)

Purpose:

To entitle employees to take reasonable leave: 1) for medical reasons, 2) for the birth or adoption of a child, and 3) for the care of a child, spouse or parent who has a serious health condition.

Eligibility:

Anyone who has been employed for at least twelve (12) months by the Board or anyone who has at least 1,250 hours of service during the previous twelve month period.¹

General Principles:

1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave for the birth or adoption of a child or the care of a child, spouse, or parent who has a serious health condition. (Any female requesting leave due to pregnancy and childbirth shall be granted at least four (4) months leave).²
2. Any employee on maternity leave shall be permitted to use accumulated sick leave during the period of actual physical disability only. Otherwise, the maternity leave shall be unpaid leave. A teacher may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents are teachers only one parent may request leave. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted.³
3. A physician's statement is required by the director of schools on behalf of the Board when determining the period of actual physical disability.
4. Request for leave and extension of leaves shall conform to state law governing all leaves of absence.⁴

Restrictions:

1. For foreseeable leave, the employee shall provide the Board with at least thirty (30) days written notice before the beginning of the anticipated leave.
2. The Board may require that a request for leave be supported by certification issued by a health care provider with the following information:
 - a. the date on which the serious health condition commenced;
 - b. the probable duration of the condition;

- c. the appropriate medical facts within the knowledge of the health care provider regarding the condition; and
 - d. a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee is needed.
3. If there is any reason to doubt the validity of the certification provided, the Board may require, at Board expense, an opinion of a second health care provider.
 4. Intermittent Leave - If an employee requests foreseeable leave for planned medical treatment for more than 20% of the total number of working days in the time period during which the leave would extend, the school may require that such employee elect either of the following options: (1) to take the leave for periods of a particular duration which would not exceed the duration of the planned medical treatment; or (2) to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified and which has equivalent pay and benefits, but better accommodates recurring periods of leave.
 5. Period Near the End of an Academic Term - If leave is taken more than five (5) weeks prior to the end of the term, the Board may require the employee to continue taking leave until the end of the term if the leave is at least three (3) weeks in duration and if the return of employment would occur during the three (3) week period prior to the end of the term.

Requirements of the Board:

1. The employee shall be restored to the same position of employment or an equivalent position with no loss of benefits, pay, or other terms of employment.
2. The employee shall be kept under any group health plan, and the employer share of the group health plan shall be paid for twelve (12) weeks. All optional insurance premiums will continue to be the employee's total responsibility.
3. The Board may recover the premium paid under the following conditions:
 - a. If the employee fails to return from leave after the period of leave has expired.
 - b. If the employee fails to return to work for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the control of the employee.

Legal References:

1. Federal Family and Medical Leave Act 1993
2. TCA 49-5-702; TCA 4-21-408
3. TCA 49-5-710
4. TCA 49-5-704