

# DELAWARE VALLEY SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: FAMILY AND MEDICAL  
LEAVES

ADOPTED: FEBRUARY 19, 2014

REVISED: JANUARY 16, 2014

<b>335. FAMILY AND MEDICAL LEAVES</b>	
<p>1. Purpose 29 U.S.C. Sec. 2601 et seq</p>	<p>The purpose of this policy is to address specific leave of absence issues and to ensure the district's compliance with the Family Medical Leave Act, hereinafter referred to as FMLA.</p>
<p>2. Delegation of Responsibility</p>	<p>The Superintendent or designee shall develop administrative guidelines regulating leaves and ensuring the district's compliance with law. Although implementing the guidelines is the responsibility of the Superintendent, they must adhere to the basic principles of law.</p>
<p>3. Guidelines</p>	<p>Required notices shall be posted by the district.</p> <p>Guides advising employees of their rights and responsibilities shall be developed and posted. The guides shall be given to employees upon request; whenever an employee requests an FMLA leave; and whenever the district designates a leave as an FMLA leave.</p> <p>All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.</p> <p>Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.</p> <p>Employees shall be required to provide a fitness-for-duty certificate upon returning from an 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 an administrative compensation plan or individual contract, or where the employee has taken a paid leave concurrent with the FMLA leave and school district policy and practice has not required a fitness-for-duty certificate to be provided.</p> <p>Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.</p>

<p>29 U.S.C. Sec. 2601 et seq</p>	<p>For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a rolling twelve-month period measured backwards from the date leave is used, to avoid stacking of back-to-back leave entitlements.</p> <p>An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition when:</p> <ol style="list-style-type: none"><li>1. 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).</li><li>2. 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.</li></ol> <p>Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law.</p>
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