

- Required
- Local
- Notice

FAMILY AND MEDICAL LEAVE

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during any twelve (12) month period. All eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements.

The BOCES uses the “rolling twelve (12) month period measured backward” as its method for calculating the 12-month period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time (also referred to as a “reduced leave”) schedule.

To be eligible for FMLA an employee must have been employed for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, domestic partner, parent, or son or daughter with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee’s job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, domestic partner (as defined by the New York State Paid Family Leave Act), son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period, beginning on the date of such birth or placement of the child.

An eligible employee who is the spouse, domestic partner, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid, job protected leave in a single 12-month period to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect to use accrued paid vacation, personal or family leave for purposes of an FMLA leave. An employee may elect to use accrued paid vacation, personal, or medical/sick leave for purposes of a medical leave.

The employee shall notify the BOCES of his/her request for leave, if foreseeable, at least 30 days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. The BOCES may require a certification from a health care provider if medical leave is requested. When an employee returns following a leave, he/she must be returned to the same or equivalent position of employment. The District Superintendent or his/her designee may reassign a teacher consistent with the collective bargaining agreement to a different grade level, building or other assignment consistent with the employee's certification and tenure area.

FMLA shall be provided to all eligible employees, unless they are covered by a collective bargaining agreement which provides greater leave benefits than this Act.

CAPITAL REGION BOCES

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The BOCES shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law.

The District Superintendent is authorized to develop regulations and procedures which he/she deems necessary and proper to implement this policy and to comply with the FMLA and its associated regulations.

Ref: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.
29 CFR §§ 825.110, 825.309, 825.600, 825.603, 825.800.

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