

**WASHOE COUNTY SCHOOL DISTRICT
ADMINISTRATIVE REGULATIONS**

FAMILY AND MEDICAL LEAVE

4150.1

In addition to the leaves mentioned in Administrative Regulations 4150 and 4243, the school district is in compliance with the Federal Family and Medical Leave Act (FMLA) as provided below:

1. Eligible Employees

Employees are eligible under the FMLA if they have worked for the Washoe County School District for at least twelve (12) months and for at least 1,250 hours during the twelve-month period immediately preceding the commencement of the leave, or if they otherwise meet the eligibility requirements under the FMLA. Subject to the conditions of this regulation, eligible employees may request and the school district shall provide up to twelve (12) weeks of FMLA leave during a twelve-month period.

If a husband and wife are employed by the school district, the aggregate number of workweeks of leave to which both may be entitled, unless taken due to the employee's own serious health condition, may be limited to a combined twelve (12) workweeks during any twelve-month period.

2. Leave Requirements

a. In General

An eligible employee may request FMLA leave for any of the following reasons:

- 1) The birth of the employee's child and to care for the newborn child;
- 2) The placement of a child with the employee in connection with an adoption or foster care;
- 3) To care for the employee's child, parent, or spouse who has a serious health condition; or
- 4) Due to a serious health condition that prevents the employee from performing the functions of his/her position.

Leave taken to care for a newborn or newly-adopted child must be completed within twelve (12) months after the birth or adoption.

A "child" is defined as a biological, adopted, or foster child, stepchild, or legal ward who is under 18 years of age or incapable of self care due to a mental or physical disability.

A "serious health condition" is one caused by injury, illness, impairment or physical or mental condition that involves (a) inpatient care, or (b) continuing treatment by a health care provider.

b. Intermittent Leave/Leave on a Reduced Schedule

“Intermittent leave” means leave taken in separate periods of time due to a single illness or injury, rather than for one (1) continuous period of time. “Leave on a reduced schedule” means a leave schedule that reduces the usual numbers of hours per workweek, or hours per workday, of an employee.

If an employee who works principally in an instructional capacity requests intermittent leave or leave on a reduced schedule to care for a family member, or for the employee’s own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than twenty percent (20%) of the total number of working days over the period during which the leave would extend, the school district may require the employee to choose either to (1) take leave for a period of particular duration, not greater than the duration of the planned treatment; or (2) transfer temporarily to an alternative position with equivalent pay and benefits which better accommodates the leave.

The taking of intermittent leave or leave on a reduced schedule shall not result in a reduction in the total amount of leave to which the employee is entitled.

Any employee who works primarily in an instructional capacity and who requests a period of leave within the last three-five (3-5) weeks of the academic term may be required to continue the leave until the end of the term, in a manner consistent with the FMLA regulations.

3. Benefits During Leave

a. Paid and Unpaid Leave

An employee who is granted FMLA leave may utilize any accrued vacation and other applicable paid time off during the period of leave. Any portion of a leave which is not charged to vacation or other applicable paid time off shall be without pay. For purposes of this policy’s twelve-week limitation, any paid and unpaid portions of the leave of absence shall be added together whether or not they are taken consecutively.

Any paid or non-paid leave of absence including personal leave and sick leave that is granted to any employee under this policy or any other policy for reasons which qualify under the FMLA and this policy shall be credited against the twelve-week limit contained in this policy.

If the school district acquired knowledge that an employee has taken leave under another policy for reasons which qualify under the FMLA and this policy, the school district shall within two (2) business days absent extenuating circumstances notify the employee orally or in writing that the leave qualified as FMLA leave and shall be credited against the twelve-week limit contained in this policy. If the school district’s notice is oral, it shall confirm in writing no later than the following payday.

b. Health Insurance Premiums

Health insurance benefits ordinarily provided by the Washoe County School District, and for which the employee is otherwise eligible, shall continue during the period of FMLA leave. The Washoe County School District shall continue to pay its share of the premiums for the period of the leave, up to a maximum of twelve (12) weeks.

The cost of dependent coverage and additional life insurance coverage paid by the employee shall remain the sole responsibility of the employee. The employee must pay the premiums for dependent coverage by making timely payments to the Washoe County School District, in care of the Risk Management office, at the same time as such payments would be made if they were paid via payroll deductions. It is the employee's responsibility to contact and make arrangements with the Risk Management office to pay the cost of such dependent coverage. Failure to make required premium payments will result in an employee's dependent health coverage to cease, provided that the premium payments are more than thirty (30) days late and that the school district provides the employee written notice that the payment has not been received at least fifteen (15) days before coverage is to cease.

If after all FMLA leave has been exhausted, an employee fails to return from leave for a reason other than the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave, or other circumstances beyond the employee's control, the school district may recover the cost of premiums paid by the school district to maintain group health insurance during eligible non-paid FMLA leave.

4. Notification Rules

An employee must provide proper notification as a condition of eligibility for FMLA Leave. Except as otherwise provided below, the employee must notify Human Resources in writing of the reasons for the requested leave, the date it will commence, and the anticipated duration of the leave.

If the need for the FMLA leave is foreseeable, the employee must provide at least thirty (30) days advance notice, or as soon as practicable. If the need for FMLA leave is unforeseeable, the employee must notify the school district of the expected leave within one (1) working day of the beginning of the leave. If the need for FMLA leave results from an emergency, the employee may provide notification verbally, followed by notification in writing.

Failure to comply with the notice rules may result in denial or postponement of the requested leave if the employee does not otherwise provide timely verbal or other notice to the school district.

5. Certification by Health Care Provider

If an employee requests leave due to the employee's own serious health condition which renders the employee unable to perform one or more essential functions of his/her position or the serious health condition of a family member, the employee must support the request with a certification issued by the health care provider of the individual with the serious health condition. The certification should include the following information:

- a. The appropriate medical facts within the knowledge of the health care provider regarding the serious health condition;
- b. The date, if known, on which the serious health condition commenced;
- c. The probable duration of the condition;
- d. An estimate of the amount of time that the health care provider believes that the employee needs to care for the individual requiring care; and
- e. A statement whether the serious health condition warrants the participation of a family member to provide care during a period of treatment or supervision of the individual requiring care.
- f. A statement whether it will be necessary for the employee to take leave intermittently or to work on a reduced leave schedule as a result of the serious health condition, and if so, the probable duration of such treatments, the probable number and interval between such treatments, and the actual or estimated dates of treatment, if known.

If the time estimated by the health care provider under No. d. above expires, the employee must submit a re-certification if the employee desires additional leave. In addition, extensions will not be granted that cause the total period of the leave to exceed the twelve-week limit described above.

6. Reinstatement Privileges

An employee who complies with the provisions of this regulation shall be entitled to be reinstated to the same position the employee held when the FMLA leave commenced, or to an equivalent position with equivalent pay and benefits, provided that the total period of leave does not exceed twelve (12) weeks.

The school district may deny reinstatement to certain “key” employees who are among the highest paid ten (10) percent of all school district employees if such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district, provided that the school district give such employee written notice of the potential denial of reinstatement at the time the employee requests FMLA leave or as soon as practicable thereafter.

An employee who takes FMLA leave because of his/her own serious health condition must provide a medical certification verifying that s/he is able to return to work in the same manner as employees who return from other types of medical leave. The school district may delay reinstating the employee to employment until the employee provides the required medical certification and may deny reinstatement if the employee fails to provide any medical certification within thirty (30) days after the expiration of the approved leave. If an employee fails to return to work thirty (30) days after the expiration of the approved leave, the employee shall be considered to have voluntarily separated from the Washoe County School District's employ.

Nothing in this section shall be construed to entitle any reinstated employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

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