

FAMILY AND MEDICAL LEAVE

During each contract year, employees shall be eligible for family and medical leave of up to twelve (12) weeks in relation to the birth, adoption or foster care of a child (or children); the care of a spouse, child or parent with serious health conditions; and to deal with qualifying exigencies related to a call to active duty of family members of National Guard and Reserves. Employees shall be eligible for up to 26 weeks of unpaid leave to care for a covered service member with a serious injury or illness. The leave shall be subject to these provisions:

1. For employees who are members of a bargaining unit, the mandatory provisions of the Family and Medical Act are hereby incorporated into the relevant bargaining unit agreement by this reference. This inclusion shall not adversely impact any other provisions of the bargaining unit agreement.
2. Employees must give the District written or verbal notice of at least fifteen (15) days prior to the leave when the leave is foreseeable and as soon as is practicable in those situations where fifteen (15) days notice is not possible.
3. Employees requesting a leave must submit the appropriate request form (available online at the Waterloo Schools website, Human Resources section, click on **Employee Forms**).
4. All benefits, including insurance, shall be continued in accordance with any relevant collective bargaining agreement or contract during the leave. The employee shall continue to pay for any family or additional coverage in the same manner as if actively working. If a person does not return to work following an entitled leave, the District shall require that the employee pay for any insurance that is to continue.
5. The employee shall resume his or her former position or an equivalent position upon return with all rights and benefits retained.
6. An employee in a bargaining unit shall be entitled to all raises and increments upon return, if the employee qualifies under the provisions of Article III, Wages and Salaries.
7. Leave to care for a spouse, child or parent with a serious health condition or in the event the employee is unable to perform the essential functions of his or her job due to a serious health condition may be taken on a partial or intermittent basis or on a reduced leave schedule when such leave is determined by a health care provider to be medically necessary. The District may require a certificate from a health care provider to document that the employee or the employee's spouse, child or parent has a serious health condition. The District may request a second opinion at the District's expense from a health care provider designated by the District. If the second opinion differs from the first, the District may require, at its expense, the opinion of a third health care provider designated jointly by the District and the employee, which third opinion will be binding. The District may request recertification every thirty (30) days. Partial, intermittent, or reduced schedule leave for birth, adoption, or foster care may be approved at the discretion of the District.

8. The employee shall be required to confirm in writing his or her intent to return to work at least one week before the family and medical leave ends. The District may require employees to provide a "return to work" slip from the employee's health care provider before returning to work following the end of a leave of absence or disabling condition or illness.
9. Following the family medical leave entitlement, extended leave shall be available for bargaining unit employees according to the provisions of Article VIII, Extended Leave of Absence (WEA & WESP) and Article VI, Leave of Absence (AFSCME).
10. For employees in a bargaining unit, this family and medical leave shall be in addition to and shall in no way reduce or adversely impact any other provisions of the bargaining unit agreement.
11. COBRA eligibility will start on the day of notice that the employee will not be returning to work.

The District may require an instructional employee requesting a medically necessary but foreseeable leave on an intermittent or a reduced work schedule basis involving more than 20% of the working days during the period of the leave:

1. To take the leave for a period or periods of a particular duration not greater than the duration of the planned medical treatment, or
2. To transfer temporarily to an available alternate equivalent position for which the employee is qualified.

The District may require an employee requesting family and medical leave to extend the leave until the end of an academic term (semester or trimester, as appropriate) when the following conditions exist:

1. Leave for any qualifying purpose begins more than five (5) weeks before the end of the term and the leave will last at least three (3) weeks and end during the last three (3) weeks of the term.
2. Leave for a purpose other than the employee's own serious health condition begins during the last five (5) weeks of a term, lasts more than two (2) weeks, and ends during the last two (2) weeks of the term.
3. Leave for a purpose other than the employee's own serious health condition begins during the last three (3) weeks of the term and will last more than five (5) working days.

When determining the number of weeks remaining prior to the end of a term for the above examples, scheduled school breaks such as winter or spring break are not counted.

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