

11.5 Family and Medical Leave Act

It is the policy of Broken Arrow Public Schools to comply fully with the requirements of the Family and Medical Leave Act of 1993 (the "Act"). Broken Arrow Public Schools will provide up to twelve (12) weeks of unpaid leave to eligible employees. "Eligible employees" are those employees who: (1) have been employed for a least one year by the district; (2) have worked at least 1,250 hours during the previous twelve-month period; and (3) have requested leave for a reason covered by the Act.

All eligible employees who meet the Act's requirements may be granted a total of twelve (12) weeks of unpaid family leave and paid sick, vacation and personal leave combined (during any year as defined below) for the following reasons:

- (1) For the birth of a child and to care for such child, or placement for adoption or foster care of a child;
- (2) To care for a spouse, child or parent with a serious health condition; or
- (3) For a serious health condition of the employee that makes the employee unable to perform his or her job functions.

The term "serious health condition" means one which requires either inpatient care or continuing treatment by a healthcare provider. This term is intended to cover conditions or illnesses affecting health to the extent that inpatient care is required or absences are necessary on a recurring basis or for more than just a few days. A "serious health condition" does not cover short-term conditions for which treatment and recovery are very brief. Such conditions are normally covered by district sick leave policies.

The term "year" as used in this policy shall mean a rolling 12-month period measured backward from the date an employee uses any leave.

In determining the availability of leave the district will consider the leave available to a person (whether paid or unpaid) by virtue of existing employment conditions. The intent of the district is to insure that each individual covered by the Act shall have the leave benefits available as a result of the law's requirements. It is not the intent of the district or this policy to provide leave benefits that exceed those authorized by rule, policy, or existing law as supplemented by the Act. Thus, an eligible employee must use any accrued paid vacation leave, personal leave and sick leave for any part of the twelve (12) week period. It is the policy of the district that all paid non-Act leave will be used first.

An employee requesting leave for one of the reasons authorized by the Act will be entitled to the leave available by virtue of existing leave policies. In the event the application of these policies results in less leave than is required by the Act, an eligible individual will be entitled to such additional leave as is necessary to result in the minimum leave specified in the Act for covered individuals.

Where the employee's spouse is also employed by the district, the total number of work weeks of Act leave to which both spouses are entitled is limited to twelve (12) work weeks (combined) during a year if such leave is for the birth of a child or to care for a child or for placement for adoption or foster care of a child.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. Any termination as a result of this provision is subject to the same rights as a termination for cause.

The district intends to remain faithful to the requirements of the Act. Questions regarding the interpretation, administration and application of the Act to eligible employees shall be resolved by reliance on the FMLA and its interpretive regulations. Where relevant, the district will also consider its policies, rules, practices and negotiated agreement.

Approved Board of Education, July 22, 2002