

In accordance with state and federal law, the Board of Trustees shall grant family care leave to eligible employee without discrimination. Employees who are granted such leave shall be employed in the same or a comparable position upon returning from family care leave.

Legal References:

Government Codes

- 12940 Unlawful Employment Practices
- 12945 Pregnancy; Childbirth or related condition; unlawful practice by employers
- 12945.2 Family Care Leave; definitions; conditions

Code of Regulations, Title 2

- 7297.0-7297.9 Family Care Leave

United States Code, Title 29

- 2601, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993

Board of Trustees
October 1993
P

Any employee who has served the district more than one continuous year shall be eligible to take unpaid family leave under the provisions of state and federal law. Employees must work 1,250 hours during the year to be eligible. See attached chart for eligibility of hourly workers.

The district may deny family care leave to a salaried employee who is among the highest paid 10 percent of district employees.

Terms of Leave

All paid benefits such as sick leave, tragedy leave, personal leave, vacation, and compensating time off will run concurrently with the provisions of the unpaid family care leave.

- 1.0 The birth of the employee's child and in order to care for the child.
- 2.0 The placement of a child with the employee for foster care or in connection with the employee's adoption of the child.
- 3.0 In order to care for the employee's child, parent, or spouse with a serious health condition.
- 4.0 The employee's own serious health condition which makes the employee unable to perform his/her job.

Serious Health Condition - Definition

A serious health condition of an employee, child, parent or spouse means an illness, injury, impairment, or physical or mental condition which warrants or involves either of the following: a) in-patient care in a hospital, hospice, or residential health care facility; or b) continuing treatment or continuing supervision by a health care provider.

Duration of Leave

Family care leave shall not exceed a cumulative total of 12 work weeks during any 12 month period. This leave may be taken intermittently or on a reduced leave schedule when medically necessary and subject to approval by the school board. The district may require the leave to be for a specific duration (not to exceed the duration of any planned medical treatment) or may require the employee to transfer temporarily to a different position which has the equivalent pay and benefits and which can better accommodate recurring periods of leave.

Leave taken for birth of a child of the employee or for care of such child must be initiated within one year of the birth or adoption.

Pregnancy Disability leave Utilization in Conjunction with Family Care Leave

When used in conjunction with the maximum (fourth-month) pregnancy disability leave under Government Code 12945, family care leave shall be for 12 weeks in addition to the pregnancy disability leave.

Maintenance of Benefits

During the period of family care leave, the employee shall continue to be entitled to participate in the district's health plan at no cost to the employee. After 12 weeks of family care leave, the employee will be required to pay the health care premium for the remainder of any additional unpaid leave approved by the Board of Trustees.

During the period of family care leave, the employee shall continue to be entitled to participate in STRS/PERS for retirement purposes by paying full contributions into the retirement system. Arrangements must be made directly through STRS or PERS for payment of premiums.

The employee shall retain his/her employee status with the district during the leave period and the leave shall not constitute a break in service under any employee benefit plan. For purposes of layoff, reemployment, promotion, job assignment and seniority-related benefits such as vacation, the employee returning from family care leave shall return with no less seniority than he/she had when the leave began.

Request, Advance Notice, and Certification

An employee who has advance knowledge of the need for family care leave must give the district at least 30 days notice. If an employee learns of the need for family care leave less than 30 days in advance, he/she shall provide such notice as soon as practicable.

If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of district operations. This scheduling shall be subject to the health care provider's approval.

An employee's request for leave to care for a child, spouse, or parent who has a serious health condition shall be supported by a certification from the health care provider of the person requiring care. This certification shall include:

- 1.0 The date, if known, on which the serious health condition began.
- 2.0 The probable duration of the condition.
- 3.0 An estimate of the amount of time the health care provider believes the employee needs to care for the child, parent, or spouse, and
- 4.0 A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the child, parent, or spouse. If additional leave is needed when the time estimated expires, the district may require recertification as specified above.

If both spouses work for the Anaheim Union High School District, the time allowed can not exceed 12 weeks in total per year for both employees.

An employee's request for leave because of his/her own serious health condition shall be supported by a certification from the employee's health care provider. This certification shall include:

- 1.0 The date on which the serious health condition began.
- 2.0 The probable duration of the condition.
- 3.0 A statement that the employee is unable to perform the functions of his/her job even with accommodation.
- 4.0 If the employee requests leave for intermittent treatment or leave on a reduced leave schedule for planned medical treatment, certification must also state the date on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave.

The Anaheim Union High School District may require an independent medical examination at district expense to determine the extent of the employee's disability. If the second opinion is in conflict with the employee's health provider, the district may require a third medical opinion, at district expense, which will be binding on both parties. An employee returning from Family Care and Medical Leave for the employee's own illness, must submit a return to work release form from the treating physician. The school district will be able to recover the cost of health insurance premiums paid by the district during the leave if the employee does not return to work for reasons other than due to disability.

The district shall not refuse to hire and shall not discourage, suspend, or discriminate against any employee because he/she exercises the right to family leave or because he/she gives information or testimony related to his/her or another person's family care leave in an inquiry related to family leave rights.

Guarantees

Upon granting an employee's request for family care leave, the district guarantees to reinstate the employee in the same or comparable position when the leave terminates. This statement will be included in the leave approval letter/statement sent to the employee.

Board of Trustees
September 8, 1994
P