



Family and Medical Leave Act (FMLA)

Introduction

Below are the key provisions regarding Marengo County Board of Education's compliance with the federal Family and Medical Leave Act (FMLA) of the .

Notification

- Employees must give at least **30 days written notice** to the Superintendent when requesting leave, unless unforeseen circumstances arise.
 - For foreseeable family or personal illnesses, the employee should try to schedule treatments so as not to disrupt operations.
-

Certification

- Employees must submit a **certification from a healthcare provider** to support their leave request, including details like:
 - Start date of the serious health condition.
 - Duration and necessity for the leave.
 - The employee's inability to perform their job functions.
 - The Board may require a **second opinion** from a healthcare provider at its expense, and if opinions conflict, a **third opinion** may be required.
-

Benefits

- **Health benefits** are continued during the leave period as if no leave had been taken.
 - Employees who do not return to work after leave may be required to repay the **health benefit premiums** paid during their leave.
-

Restoration of Employment

- Employees are entitled to **restoration** to an equivalent position with the same pay, benefits, and working conditions upon returning from leave.
 - For employees in the **top 10% salary bracket**, the Board may deny restoration if it would cause significant economic harm to operations.
 - Special conditions apply to **instructional employees** seeking to return during the last three weeks of a semester. Depending on the timing and length of leave, they may be required to wait until the next semester.
-

Leave Duration and Semester Timing for Instructional Employees

- If the employee takes leave close to the end of the semester:
 - **Five or more weeks before the semester ends:** If leave exceeds three weeks, the district may require them to return in the next semester.
 - **Less than five weeks before the end:** If leave exceeds two weeks, the district may also require the employee to wait for the next semester.
 - **Less than three weeks before the end:** If leave exceeds five working days, the district may require the employee to wait for the next semester.
 - **Additional leave** during the last weeks of the semester counts against the **twelve-week unpaid leave** allowed per year.
-

Serious Health Condition

- A "serious health condition" is defined as:
 - Inpatient care in a hospital, hospice, or residential medical care facility, or
 - Continuing treatment by a healthcare provider.
-

Instructional Employees Definition

- Instructional employees are defined as those whose main job is teaching or instructing students in classrooms, small groups, or individually.
-

This policy ensures that employees are allowed to take leave when needed but also includes mechanisms for managing disruptions, especially for instructional staff.