

The superintendent of schools shall be responsible for recommendations to the board of education for approval, and he or she shall be responsible for overseeing the administration of a district-sponsored leave and/or insurance program for the classified employees. Classified employees shall be made aware of these benefits in an employee handbook. This handbook, and any subsequent changes made to this handbook, must be approved by the board of education.

NON-PAID LEAVE--On August 5, 1993, the Family Medical Leave Act became effective. When both spouses are employed by the school district the board of education reserves the right to limit the total non-paid leave taken by both husband and wife for the birth or adoption of a child to a combined total of twelve weeks. However, each spouse may take twelve weeks of non-paid leave for a serious health condition which may involve each spouse. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that may involve inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

The board of education may request that the employee provide the school district with written certification on the following information from the health care provider prior to taking non-paid leave:

- I. The date the serious condition began.
- II. The probable duration of the condition.
- III. Appropriate medical facts regarding the condition.
- IV. A statement that the employee is needed to care for the spouse, child, or parent and an estimate of the amount of time involved.
- V. If the illness involves an employee, that the illness renders the employee unable to perform the functions of his or her assigned position.
- VI. The dates and duration of the treatment if the employee requests intermittent leave or reduced schedule.

Following the non-paid leave the school district shall restore the employee to his or her previous position or to an equivalent position with equivalent pay and benefits.

PAID LEAVE--In addition to non-paid leave as set forth in the Family Medical Leave Act classified employees of the Gage County School District No. 34 shall accrue leave with pay as follows:

Vacation Leave.

See employment agreement.

## SICK, PERSONAL, AND BEREAVEMENT LEAVE.

See employment agreement.

## MATERNITY/ADOPTION LEAVE.

If an employee becomes pregnant, she shall be required to withdraw from her assignment when the pregnancy adversely affects her ability to perform her normal duties as a member of the staff, if or when her presence may become disruptive to the educational process, or when her personal physician advises that she no longer can continue with her assigned responsibilities. The following guidelines will govern all maternity leaves:

- I. An employee requesting maternity leave may use either her accumulated paid sick leave for maternity leave or may request to use the provisions set forth in the non-paid Family Medical Leave Act, or a combination of the two. If a combination of the two is requested the individual will use her paid sick leave days first.
- II. As soon as the employee determines that she is pregnant she must notify the superintendent of school in writing attesting to the fact. If the employee wishes to apply for maternity leave she must include such a request in this letter of notification of pregnancy.
- III. The employee shall be required to furnish a written statement from her personal physician regarding her physical condition in relation to her ability to perform her assigned duties at any time during her pregnancy when the superintendent of schools feels such a statement is in order.
- IV. It will be necessary for the employee to inform the superintendent of schools in writing if she wishes to continue working at her previously assigned duties following the birth of the child. This request to continue working shall be submitted prior to the teacher's commencement of the pregnancy leave. The failure to return to work following pregnancy leave will result in the loss of pay for any accrued paid sick leave time that may have been used during the pregnancy leave.
- V. Any employee who wishes to continue working for the school district following the birth of a child shall be required to return to work as soon as her attending physician indicates that she is physically able to resume working. The normal maternity leave time will be thirty (30) to forty-five (45) calendar days following a normal birth. If a maternity leave of more than forty-five (45) calendar days is requested, the employee must present the superintendent of schools with a statement from the attending physician. This letter will state; (1) why more time is needed, and (2) present an estimate of how much additional time is needed. If more than forty-five (45) days is required the board of education will re-evaluate the situation to determine if the position can be held open, or if it may become necessary to reassign the staff member upon her return.

If a situation is not covered herein, the superintendent of schools may make the necessary adjustments to meet the particular situation. The superintendent of schools shall report all such

adjustments to the board of education at the next regular board meeting. The board of education shall determine if the policies should be revised to permanently incorporate the change.

Legal Reference:                      P.L. 103-3                      Family and Medical Leave Act.