

POLICY TITLE: Family and Medical Leave Policy

POLICY PURPOSE

The Family and Medical Leave Act of 1993 requires employers of 50 or more employees to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The policy of the Canyon-Owyhee School Service Agency (COSSA) is to provide family and medical leave for eligible employees under the terms and conditions set for below.

ELIGIBLE EMPLOYEES

- A. Have been employed by COSSA for at least 12 months, which need not be consecutive months; and
- B. Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.
- C. Leave may be denied to administrators if necessary to avoid substantial and grievous economic injury to COSSA.

REASONS FOR TAKING LEAVE

- A. Birth of a child and to care for the newborn child; for placement with the employee of a child for adoption or foster care.
- B. For the care of the employee's spouse, child, or parent who has a serious health condition;
 - 1. Spouse means a husband or wife as defined or recognized under Idaho law for purposes of marriage; common law marriages are not recognized in Idaho.
 - 2. Parent means a biological parent or an individual who stood *in loco parentis* to an employee when the employee was a child. This term does not include "parents-in-law".
 - 3. Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of mental or physical disability.

C. For a serious health condition that makes the employee unable to perform his or her job. Serious health condition shall mean an illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility;

2. Continuing outpatient treatment of two or more days and absence from school, work, or other daily activities for three or more days; or

3. Continuing treatment by (or under supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

D. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status, in the Armed Forces.

JOB AND BENEFITS PROTECTION

A. For the duration of leave, COSSA will continue to pay the employee's cash benefits under the COSSA Cafeteria plan under the conditions benefits would have been provided if the employee had been working. The employee is responsible for paying any health insurance premiums covering family members, and if not paid within thirty (30) days of being due, such coverage will be terminated.

B. Upon return from leave, employees will be restored to their original positions or equivalent positions with equivalent pay, benefits, and other employment terms. COSSA may deny restoration to administrators if necessary to avoid substantial and grievous economic injury to COSSA.

C. Employee may be required to document his/her fitness to return to work.

D. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six weeks of leave in a single twelve month period to care for the service member.

REQUIREMENTS FOR LEAVE

A. Employee may be required to furnish to COSSA certification by the health care provider of the employee or employee's ill family member that leave is necessary, and such certification shall be furnished before leave can begin.

B. Employee must provide COSSA at least thirty (30) days' advance notice before leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If thirty (30) days' notice is not practicable, as in a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. In the absence of qualifying conditions, leave may be denied if thirty (30) days' notice is not given.

C. Paid sick leave will be counted against Family and Medical Leave as defined by this policy.

TERMS OF LEAVE

A. Leave need not be consecutive days, but may consist of parts of weeks or days.

B. For instructors, support (ancillary) personnel and special education assistants, if leave is more than 20 percent of the total number of working days in the term, COSSA may require that the leave be taken in a block, or that the individual requesting leave be transferred to an available, equivalent alternative position.

C. For instructors, support (ancillary) personnel, and special education assistants, if leave is taken at the end of the term, COSA may require the employee to continue the leave through the end of the term.

D. Prior to commencement of leave the employee will be given a notice setting forth the provisions of the COSSA Family Medical Leave Policy.

FORMS

COSSA uses the Department of Labor Wage and Hour Division forms and processes pertaining to Family and Medical Leave.

LEGAL REFERENCE: Family Medical Leave Act of 1993
29 USC 2616, 2617
29 CFR 500, 825.300(d)(e)

ADOPTED: Originally Adopted 4-18-94. Revised and adopted 5/21/12