



NEEDHAM PUBLIC SCHOOLS

A SCHOOL AND COMMUNITY PARTNERSHIP THAT
CREATES EXCITED LEARNERS ~ INSPIRES EXCELLENCE ~ FOSTERS INTEGRITY

OFFICE OF THE DIRECTOR OF HUMAN RESOURCES
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Family Medical Leave Act (FMLA)

What is FMLA?

FMLA provides eligible employees up to 12 weeks of unpaid leave for their own serious illness, birth or adoption of a child, or the care of a seriously ill child, spouse or parent. FMLA also provides up to 26 weeks in a single 12-month period for military caregiver leave for employees caring for a parent, spouse, child or “next of kin” who is a “covered service member” with a serious injury/illness incurred in the line of duty. FMLA also provides up to 12 weeks of leave to parents, spouses or children of National Guard or Reserve personnel on active duty (or call to active duty status) for “qualifying exigencies” (*see definition below).

Who is covered?

All Needham Public School employees who have worked in the district for at least 12 months and worked 1250 hours over the previous 12-months. The district defines the 12-month period as a “rolling” 12-month period, i.e. the 12 months begins when the employee takes his or her first FMLA day.

What are the Reasons for a Leave Under FMLA?

Eligible employees may seek leave during any 12-month period for the following reasons:

- The employee requires medical leave for a serious health condition that makes him/her unable to perform his/her job.
 - Among other things, this generally includes when the employee needs to be absent from work for a period of time due to surgery. Short-term conditions for which treatment and recovery are very brief generally are not “serious health conditions.”
- Caring for a new born child, or newly adopted son or daughter
- Placement with the employee of a son or daughter or child in foster care
- Caring for the employee’s spouse, son or daughter, or parent, who has a serious health condition

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the “continuing treatment” requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider; or one visit and a regimen of continuing treatment; or incapacity due to pregnancy; or incapacity due to a chronic condition. Other conditions may meet the definition of “continuing treatment.” A serious health condition of either the employee or family member requires either inpatient care or continuing treatment by a health care provider. “Continuing treatment” is defined as two or more visits within 30 days of the first incapacity. Chronic conditions, i.e. conditions that continue over an extended period of time that may cause episodic periods of incapacity may be a “serious health condition” under FMLA.

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- Any “qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is deployed to active duty in a foreign country (or has been notified of a call or order to active duty in a foreign country) and who is in the regular armed forces, National Guard or Reserves.
- **Special leave entitlement relating to an employee’s family member in the Armed Forces:**
A spouse, son, daughter, parent, or “next of kin” may request up to 26 workweeks of leave in a single 12-month period to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury/illness incurred (including the aggravation of a preexisting condition) in the line of active duty. (Such leave is available for up to five years after the military member’s separation from the military).

How can the Leave be Taken?

The leave may be in on a continuous basis (e.g., a block of twelve (12) weeks), or if required, employees may take FMLA on an intermittent or reduced leave schedule (select days or hours, for example) because of the employee’s own serious health condition, when medically necessary to care for their parent, spouse or child with a serious health condition, to care for a covered service member, or due to a qualifying exigency. Those eligible employees who are employed principally in an instructional capacity and request leave that is foreseeable based on planned medical treatment, and would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, may be required either to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment, or to transfer temporarily to an available alternative position offered by the Schools for which the employee is qualified. Other rules exist for how instructional employees may use leave depending upon when it will coincide with the end of a semester, i.e., depending upon how many weeks before the end of a semester it would occur.

- For birth or adoption, intermittent or reduced workweek leave can only be taken with the employer’s consent
- Whether or not you apply for FMLA leave, if you take sick leave or any other leave that meets the definitional requirements of an FMLA leave, the leave will be designated simultaneously as FMLA leave as well.

Will I get My Same Job Back When I Return?

Needham Public Schools is required to reinstate you to the same job or an “equivalent position” at the end of your FMLA leave.

What Will Happen to My Health Benefits?

The Town will continue to pay for its portion of your health insurance for the time you are on leave; provided, however, that you must continue to make your regular payment of the employee portion of the premium.

How Much Notice do I Need to Give?

You are required to give at least 30 days notice if the need for leave is foreseeable. If the leave is not foreseeable, notice must be given as soon as practical. For planned treatments, you must consult with your Principal/supervisor and make a reasonable effort to schedule the treatment so as not to unduly disrupt the School’s operation, subject to approval of your health care provider. Employees are ordinarily expected to consult with their Principal/supervisor before scheduling treatments in order to work out a treatment schedule which best suits the needs of both the employee and the School.

Prior to the commencement of any foreseeable leave, (or if the leave is unforeseeable, as soon practicable), you must submit a letter to the Director of Human Resources and your Principal/supervisor requesting the leave.

What Documentation do I Need to Provide?

A Certification of Health Care Provider form must be submitted for your own or your family member's serious health condition. Upon completion of your health care provider form, the employer may make the determination that the form is deficient, and what steps you will need to take to complete the certification. The Director of Human Resources may contact your health care provider for clarification and/or to confirm the authenticity of the medical certification after you have had the opportunity to cure any deficiencies. If you do not authorize your health care provider to engage in such communication with the Director of Human Resources, your FMLA leave may be denied.

If the Schools have reason to doubt the validity of the medical certification, we may request a second opinion at our own expense. In the event of conflicting opinions, the Schools may pay for a third opinion which will be final and binding.

A Certification is also required to take leave to care for a covered service member or a qualifying exigency.

Needham Public Schools will require that you obtain a "fitness for duty" certification in order to return to work.

For more information, visit the United States Department of Labor's web site at <http://www.dol.gov/esa/whd/fmla/>

***Qualifying Exigencies for National Guard/Reserve FMLA:**

- Short notice deployment
- Military events and related activities
- Childcare/school activities
- Financial and legal arrangement
- Post deployment activities
- Rest and recuperation
- Counseling
- Additional activities agreed upon by the employee/employer