

## Family Medical Leave Act (FMLA)

Research Triangle High School complies with all applicable provisions of the Family and Medical Leave Act (FMLA) and it is the intent of this and any other School policy to comply with such law. In accordance with the FMLA, Research Triangle High School provides eligible employees up to twelve weeks of leave for family and medical reasons.

### Guidelines

#### Eligibility

Employees are eligible to take up to 12 weeks of family/medical leave within a 12-month period and be restored to the same or an equivalent position upon their return from leave provided they: a) have worked for Research Triangle for at least 12 months, and for at least 1250 hours in the last 12 months; and b) are employed at a worksite that has 50 or more employees within a 75-mile radius. 12-month period measured backward from the date an employee uses any FMLA leave. Under the "rolling" 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

#### Reasons for Leave

Eligible employees may take family/medical leave for any of the following reasons:

- a) the birth of a son or daughter and in order to care for such son or daughter;
- b) the placement of a son or daughter with the employee for adoption or foster care;
- c) to care for a spouse, son, daughter, or parent with a serious health condition;
- d) because of their own serious health condition which renders the employee unable to perform the essential functions of the position,
- e) In accordance with the National Defense Authorization Act, eligible employees may take up to 12 weeks family medical leave for a qualifying exigency related to a covered service member on active duty or who has been notified of an impending call or order to active duty. Covered family members include spouse, parent, and child. Or an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of **26 work weeks** for military related medical treatment to care for the service member.

Under the caregiver leave the twelve-month period will be calculated rolling forward from the first day of leave. Leave because of reasons "a" or "b" must be completed within the 12-month period beginning on the date of birth or placement.

#### Notice of Leave

If the need for family/medical leave is foreseeable, the employee must give the Chief School Officer and ALT HR at least 30 days prior written notice. If this is not possible, the employee must at least give notice as soon as is practicable (within 1 to 2 business days of learning of their need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee is expected to notify the School within 1 to 2 business days of learning of their need for leave, except in extraordinary circumstances. Family Medical Leave forms are

available from ALT HR, the Chief School Officer or the Chief School Officer's designee. These forms must be used when employees request leave.

#### Medical Certification

If employees are requesting leave because of their own or a covered relation's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. The School has the right to request second or third medical opinions, at its expense. Medical Certification Forms are available from ALT HR, the Chief School Officer or the Director's designee. When an employee requests leave, the School will notify them of the requirement for medical certification and when it is due (at least 15 calendar days after the employee requests leave). Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The School may require subsequent medical recertification on a reasonable basis.

#### Partially Paid Medical Leave

Medical leave under (c), (d) and (e) is a paid leave for only the first six weeks of the leave. Once paid leave is exhausted, the employee must use PTO/vacation/sick time or may be eligible for short or long-term disability payments and/or workers' compensation benefits under those insurance/benefit plans. Paid and unpaid leave run concurrently and the substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.

#### Partially Paid Parental Leave

Parental leave under (a) and (b) is partially paid leave. For employees that give birth, they will receive eight (8) weeks of paid maternity leave. For employees that do not give birth, they will receive eight (8) weeks of paid parental leave. Once paid leave is exhausted, the employee must use PTO/vacation/sick time or may be eligible for short or long-term disability payments under those insurance/benefit plans. Paid and unpaid leave run concurrently and the substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Partially Paid Parental Leave must be completed within the 12-month period beginning on the date of birth or placement.

#### Medical and Other Benefits

During an approved family/medical leave, RTHS will maintain the employee's health benefits, as if they had continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, Research Triangle High School will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must pay their portion of the premium by the 1<sup>st</sup> of the month directly to the school. The employee's health care coverage will cease if the premium payment is more than 30 days late. An employee that is out on FMLA will continue to receive all of their other benefits while they are out on FMLA leave.

#### Intermittent and Reduced Schedule Leave

Intermittent or reduced schedule leave may be taken when a serious health condition, either the employee's or that of a child, spouse, or parent or covered service member, or for qualifying exigencies, makes this schedule necessary. When medically necessary, an employee may take "intermittent" leave (two or more separate leave periods) or "reduced" leave (where an employee continues to work, but for fewer hours per day or per week). In such cases, the total number of hours or days of leave by the employee is limited to the equivalent of twelve (12) workweeks. RTHS

may transfer the employee temporarily to an available alternative position if that position better accommodates recurring periods of leave. Employees must make reasonable efforts to schedule intermittent absences for planned medical treatment so as not to unduly disrupt RTHS's operations. RTHS may make deduction from an exempt employee's salary for any hours/time taken as intermittent or reduced FMLA leave within a pay period without affecting the employee's exempt status.

### **Reporting While on Leave.**

If an employee takes FMLA leave because of their own serious health condition or to care for a covered relation, the employee must contact ALT HR with updates regarding the status of the condition, and their intent to return to work.

### **Returning from Leave**

A certification from a health care provider may be required at the conclusion of any leave for the employee's own serious health condition that the employee is able to resume his or her duties.

At the conclusion of leave covered by FMLA, employees will be reinstated to their former or an equivalent position with the same rights, benefits, pay, and other terms and conditions of employment to the extent that they would be entitled to such continued employment without the FMLA leave. Benefits established on an accrual basis such as PTO will not accrue during unpaid FMLA leave. Benefits, which accrued prior to the leave, however, will not be lost.

RTHS reserves the right to deny leave reinstatement to key employees, defined as salaried employees among the highest-paid 10 percent of all RTHS employees, where such denial is necessary to prevent substantial and grievous injury to the organization's operation. These employees will be notified of this decision as soon as it is determined such injury would occur, and will be given a reasonable opportunity to choose to return to work at that point. In the event the employee decides not to return to work when there is no guarantee of the same or equivalent position, s/he may remain on leave for the balance of the FMLA period and then may be terminated.

RTHS reserves the right to update and amend this policy consistent with state and federal law at any time. This policy should be construed to comply with the most current FMLA rules, regulations and statutes in effect.

### **Other Leave Required by Law**

The School provides employees with any other leave as required by state or federal law, including leave to exercise voting privileges, attend school conferences, or for jury duty.

### **Jury Duty**

Research Triangle High School encourages employees to accept and fulfill their civic duty in their community. Employees should notify the principal upon receiving a notice of jury duty so that staffing provisions can be made. Employee should provide a copy of the summons to the principal. Employees are encouraged to try to reschedule jury duty for months when school is not in session. Court leave for jury duty shall be granted to an eligible employee for absence during the employee's regularly scheduled hours including regularly scheduled overtime, to perform jury duty. An eligible

employee who is under proper summons from a court to serve on a jury shall be granted court leave for the entire period of such service. The period of court leave extends from the date on which the employee is required to report to the court until the time they are discharged by the court. The employee must return to work for any reasonable time the court is closed during normal work hours. No adverse employment action will be taken against employees or applicants due to their service as a juror in state or federal courts. The School will pay the employee's regular salary for a maximum of 5 days of jury duty.

### **Military Leave**

RTHS employees who serve in the National Guard or the Reserves will be granted flexibility to drill on the weekends. When mobilized on active duty with the military, they are afforded all rights and privileges pursuant to USERRA 38 USC 4301-4335, The Uniformed Services Employment and Reemployment Rights Act of 1994. The employee will be given credit for the period of military service towards their employment with the school.

### **Witness Duty**

An employee may be required by law to appear in court as a witness. The employee may be allowed to take unpaid time off for this purpose, but is expected to give RTHS reasonable advance notice of the absence and to provide evidence of the required appearance. Witness duty leave is available to all employees.

### **Parental School Leave**

In accordance with the North Carolina Parental Leave Law, the School will grant up to four (4) hours of unpaid leave per year to any employee who is a parent, guardian, or person standing in loco parentis of any school age child so that the employee may attend or otherwise be involved in activities at the child's school, preschool or child care facility as defined by G.S. 110-86(3). This leave must be scheduled in advance at a mutually convenient time. The School reserves the right to request written verification from the school of the employee's attendance.

### **Other Leave Required by Law**

RTHS complies with any other leave required by law.

### **Benefits During FMLA or Other Approved Leave**

Group medical, dental, vision, short term disability, and long term disability benefits as well as retirement plan contributions will continue for all qualifying employees during authorized leave on the same terms as if the employee continued to work. Employees whose group medical and/or dental insurance deductions are made through payroll on a pre-tax basis will continue to be responsible for payment of their premiums while on FMLA or unpaid leave, and employees must contact the Office Manager or her/his designee to make arrangements for premium payments.

RTHS may discontinue the employee's benefits if and when an employee informs RTHS of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the authorized leave is exhausted. RTHS's obligation to maintain benefits will also stop if the

employee's premium payment is more than 30 days late. RTHS shall require reimbursement of the employer-paid

share of any premiums if the employee fails to return to work at the expiration of approved leave. In the event that an employee provides at least 30 days' notice of his/her intent not to return to work at the end of FMLA leave, RTHS may waive this repayment obligation in its sole discretion.

### **Accrual of paid time off during leave**

During any period of leave, accrual of paid time off will discontinue during such leave period unless otherwise required by law.

### **Other Leaves of Absence:**

All other requests for leaves of absence for personal reasons will be considered on a case-by-case basis, and the granting of such leave and its terms will be entirely within the discretion of the Chief School Officer. Requests for other leaves of absence should be limited to unusual circumstances requiring an absence of longer than two (2) weeks. Requests for other leaves of absence should be made in writing and include an explanation of why the time is needed and the dates requested. An employee granted a leave of absence under this policy may not work for another employer without RTHS's written permission. An employee who accepts such employment without RTHS's permission will be deemed to have resigned from employment at RTHS.