

**Rutland Southwest Supervisory Union
Middletown Springs Town School District
Tinnmouth Town School District**

**Ira Town School District
Poultney Town School District
Wells Town School District**

Family and Medical Leave

Code # E-201

1. Family and Medical Leave: Rutland Southwest Supervisory Union (RSWSU) and its member districts guarantees eligible employees the right to unpaid leave for family or medical reasons. Eligible employees are those employees who have worked for the Rutland Southwest Supervisory Union or its member districts for at least twelve months and for at least 1,250 hours during the previous twelve months period as defined below.
2. RSWSU and its member districts will provide twelve weeks of unpaid leave during the twelve month period specified below for any of the following reasons:
 - the birth of a child;
 - the placement of a child with the employee for adoption or foster care;
 - the serious illness of the employee's child, stepchild, child of the employee's civil union partner, or ward who lives with the employee, foster child, parent, spouse, partner to a civil union or parent of the employee's spouse or civil union partner; or
 - the employee's own serious illness.
 - Serious illness means an accident, disease or physical or mental condition that:
 - i) poses imminent danger of death;
 - ii) requires inpatient care in a hospital; or
 - iii) requires in-home or hospice care under the direction of a health care provider.

12-month period is defined by RSWSU and its member districts to be a rolling 12-month period beginning with the first date of eligibility for FMLA/VPML.

3. The leave may be taken up to twelve weeks in duration. It may be taken on an intermittent or reduced schedule.
4. The leave will be unpaid except for portions that are used as accrued paid vacation, sick or personal leave. Employees have the right to use any available amount of accrued paid leave in part or in whole of the 12-week period. Paid leave may not be used to extend the Family Medical Leave. An Employee may use paid, accrued sick leave during or at the

end of the Family Medical Leave if he or she qualifies consistent with existing school policy. Family Medical Leave Act leave will be run concurrently with any lost time covered by workers' compensation.

5. Notice of leave by the employee to RSWSU or its member districts is required when it is foreseeable. The employee must provide reasonable (that is as soon as practicable) written notice of his/her intention to take leave time. If the necessity for leave is based on planned medical treatment, the employee must provide at least 30 days notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the operations of the school, subject to the approval of the employee's health care provider.
6. The Supervisory Union or member district may notify an eligible employee when it designates time away from work as being taken as Family Medical Leave, however such notification is not a requirement under the law.

RSWSU and its member districts require that any leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule, is supported by certification of a health care provider.

8. Any employee on leave for four weeks or more must report to RSWSU and its member districts with respect to his/her status and intent to return to work. Such report must be made during the 5th, 8th and 11th weeks of leave. Additionally, an employee must report as soon as possible to RSWSU and its member districts whenever it is determined that it will be necessary to extend his/her leave beyond the time originally anticipated, such extension to a limit of 12 weeks, subject thereafter to the requirements of the Americans with Disabilities Act.
9. When certification was required at the outset of a leave for the employee's own serious health condition or that of a family member as covered under the FMLA, RSWSU and its member districts also requires re-certification of medical condition at the end of the predicted minimum period of absence in order to establish the employee's continuing need for leave.
10. If the employee chooses not to return to work at the expiration of the leave, RSWSU and its member districts shall have the right to recover the premiums paid in maintaining group health plan during the leave if for a reason other than the continuation of a serious health condition.
11. When FMLA leave is necessitated by the employee's own serious health condition, RSWSU and its member districts will require the employee to present certification from the employee's health care provider to the effect that the employee is able to return to work.
12. Upon return from leave, an employee shall be restored to his/her old job, or to an equivalent position with equivalent pay, and to benefits and other terms and conditions of

employment. The employee will be credited with employment benefits that accrued before the leave.

After written and verbal notice to the employee, RSWSU and its member districts may deny job restoration to employees in the highest paid ten percent of salary, in accordance with the Family Medical Leave Act and the Vermont Parental, Family Leave law, when such an employee performs unique services and it is necessary to hire a permanent replacement in order to avoid substantial and grievous economic injury.

13. RSWSU and its member districts post the Department of Labor notice as to the above-outlined rights. Please contact the Business Office with questions.

FMLA Leave Extension: If an employee on FMLA Leave fails to return from leave after 12 weeks due to the continuation, recurrence or onset of a serious health condition that otherwise would entitle the employee to FMLA Leave, he or she may request additional leave. Such additional leave will be granted or denied in the sole discretion of RSWSU and its member districts' administration and in accordance with the applicable collective bargaining agreement, if any. If the serious health condition constitutes a disability as defined by and to the limits of the Americans with Disabilities Act and/or the Vermont Fair Employment Practices Act, the leave extension will be reviewed as a request for reasonable accommodation in accordance with those laws.

Short-Term Family Leave: School employees are also entitled to take up to four hours off - unpaid - in any thirty-day period, but not more than a total of twenty-four hours in any twelve month period, for the following reasons:

1. To take part in pre-school or school activities directly related to the education of the employee's child, stepchild, child of the employee's civil union partner, foster child or ward who lives with the employee. (An example of such activity would be a parent-teacher conference.)
2. To go to routine medical or dental appointments for the employee or with an employee's child, stepchild, child of the employee's civil union partner, foster child or ward who lives with the employee, or the employee's parent, spouse or parent-in-law or parent of the employee's civil union partner.
3. To go to other kinds of appointments for professional services related to the care and well-being of the employee or the employee's parent, spouse, partner to a civil union, parent-in-law or parent of the employee's civil union partner.
4. To respond to a medical emergency concerning the employee's child, stepchild, child of a civil union partner, foster child or ward who lives with the employee, or the employee's parent, spouse, partner to a civil union or parent-in-law or parent of the employee's civil union partner.

Please take note that, whenever possible, School employees should try to schedule all such appointments outside of working hours. Additionally, employees may be required to take this unpaid leave time in a minimum of two-hour segments.

Additionally, you should inform your building administrator of your intent to take off this unpaid leave time as early as possible, but no later than seven days in advance, other than in an emergency. "Emergency" means you could not have known in advance, and imposing the 7-day notice requirement would have a significantly negative impact on your family member.

For all of the above absences from work, you may instead use accrued paid leave, including, vacation, sick and personal leave. For exempt employees, unpaid time will be deducted only if eight (8) hours or more is taken at one time. Paid time will be deducted only when more than four (4) hours is taken off at one time. The exempt employee should designate use of paid leave to be applied to such absences.

Special Provisions Relating to Instructional Employees:

- The term "instructional employees" includes teachers, special education assistant, signers or others whose presence in the classroom is necessary to the educational process. It would not include "classroom assistants", cafeteria workers, building service workers, bus drivers, or other primarily non-instructional employees.

Rules applicable to **instructional employees** taking leave near the conclusion of an academic term.

- **More than five (5) weeks before term's end.** If an eligible instructional employee begins family or medical leave more than five (5) weeks prior to the end of the academic term, the school may require the employee to continue taking leave until the end of such term if:
 - the leave is of at least three (3) weeks' duration;
 - the return to employment would occur during the three-week period during the end of the term.
- **Five (5) or fewer weeks before term's end.** If an eligible instructional employee begins leave during the period five (5) weeks before the end of the academic term, the school may require the employee to continue taking leave if:
 - the leave is of greater than two (2) weeks' duration;
 - the return to employment would occur within two (2) weeks at the end of the term.
- **Three (3) or fewer weeks before term's end.** If an eligible instructional employee begins leave within three (3) weeks of the end of the academic term, and the leave will last

longer than five (5) working days, the school may require the employee to continue taking leave until the end of such term.

Intermittent or Reduced Schedule Leave. This provision applies only in the instance of a foreseeable leave for which the employee has provided the employer with thirty (30) days, if practicable, notice. When an eligible employee employed principally in an instructional capacity requests leave that is based on planned medical treatment for an immediate family member or self, and the employee would be on leave for more than twenty percent (20%) of the total number of working days in the period during which the leave would extend, the school may require that such employee either:

- take leave for periods of a particular duration, not to exceed the planned medical treatment; or
 - transfer temporarily to an available alternative position of equivalent pay and benefits in order to better accommodate recurring periods of leave.
- Required restoration to an equivalent position will be determined on the basis of established school board policies, practices and pertinent collective bargaining agreements.

Vermont Dept. Labor & Industry Wage & Hour Division
 Federal Dept. Labor & Industry Wage & Hour Division
 Black Diamond H.R. Consulting LLC

	Date Adopted	Replaces Policy
Rutland Southwest Supervisory Union	2/22/10	Family and Medical Leave 9/6/01
Ira Town School District	See RSWSU	None
Middletown Springs Town School District	2/11/10	Family and Medical Leave 9/5/2001
Poultney Town School District	2/9/10	Family and Medical Leave 7/30/2001
Tinmouth Town School District	2/8/10	Family and Medical Leave 8/13/2001
Wells Town School District	2/10/10	Family and Medical Leave 8/8/2001