

EGG HARBOR TOWNSHIP BOARD OF EDUCATION

13 Swift Drive

Egg Harbor Township, NJ 08234

FAMILY LEAVE REQUEST

Name: _____ School: _____

Position: _____ Principal: _____

**Original Date of Hire in District: _____

Have you worked the number of qualifying hours in the previous year?

Yes No

DATES OF LEAVE REQUESTED:

DATE OF LAST WORK DAY: _____

DATE OF START OF LEAVE WITHOUT PAY: _____

The leave must be taken for a family member:

(FMLA & NJFLA will run simultaneously)

Federal Family Leave Act _____

New Jersey Family Leave _____

Amount of leave request: _____ weeks (not to exceed 12 weeks)

Consecutive Intermittent* Reduced*

*Intermittent or Reduced leave must be approved by your Principal/Supervisor

Qualified Family Member's Name: _____

Relationship: _____

Anticipated Date of Return: _____

Has your Principal/Supervisor been made aware of your request? Yes No

Employee's Signature

Date

Human Resources Director

Date

Please see attached information on the New Jersey Leave Acts

PLEASE FORWARD TO DIRECTOR OF HUMAN RESOURCES

Doctors Note Received: _____

Letter to Board Received: _____

Board Approval Date: _____

Family Leave

(Needs Board approval)

- Family Leave paperwork is located in the main office of every school and on the district webpage under Faculty & Staff “frequently needed forms”
- Please Include and Complete the following:
 - Family Leave Form
 - Please check off New Jersey Leave
 - Doctors Note with specific dates from the family member’s doctor stating you are caring for this family member
 - Letter addressed to Dr. Kimberly Gruccio, Superintendent, requesting a Family Leave with specific dates and for which family member the leave is for
- You may choose to use any accumulated time

Please return the above information to Aimee Frye, at the Board of Education Office

Any questions: fryea@eht.k12.nj.us

Fax 609-601-2794

Policy for Certified Staff
3431.1 Family Leave
Attached

Policy for Support Staff
4431.1 Family Leave
Attached

Policy

Egg Harbor Township Board of Education

3000 Teaching Staff Members

3431.1 Family Leave

In accordance with the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act, (NJFLA), the Board of Education will grant eligible teaching staff members up to twelve weeks leave of absence in any twelve month period for the provision of the care made necessary by the birth or adoption of a child or by the serious health condition of a spouse, parent, child under the age of 18, or children over 18 years old who are incapable of self-care because of a physical or mental impairment.

In accordance with the, NJFLA, the Board of Education will grant eligible teaching staff members up to twelve weeks leave of absence in any twenty four month period for the provision of care made necessary by the serious health condition of the employee.

In situations where a leave is provided by both the New Jersey Family Leave Act and the federal Family and Medical Leave Act, the employee is entitled to only up to 12 weeks of leave, in a 12 month period, to care for a family member or newly born or adopted child.

No employee shall be required to take family leave or to extend family leave beyond the time requested.

An eligible employee may choose to exhaust their available sick, vacation, and other paid time over concurrently with their FMLA and/or FLA usage.

It is the policy of the Board that an employee shall not be discriminated against for having exercised his or her rights under the Family and Medical Leave Act or the New Jersey Family Leave Act, nor discouraged from the use of such leave.

At the time of a request for leave, an employee will be asked to have the applicable Health Care Provider complete a Certification of Health Care Provider Form. The employee will have fifteen days to return this form.

For the purposes of this policy:

"Parent" is a biological, adoptive, stepparent or foster parent, legal guardian or an individual who stood in loco parentis to the employee when the employee was a child.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or

- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Eligibility

An employee shall become eligible for family leave after he or she has worked twelve months in this district and, for purposes of the FMLA has worked at least one thousand two hundred fifty hours during the previous twelve month period. For purposes of the FLA, the employee has worked at least one thousand hours during the previous twelve month period.

The calculation of the twelve month period shall commence with the commencement of the family leave.

Leave taken for the birth or adoption of a child may commence at any time within one year after the birth or adoption, regardless of when the birth or adoption occurs.

An employee on family leave shall not work full-time for another employer, unless he or she was so employed full-time prior to the commencement of family leave. An employee on family leave may work part-time up to half of the hours regularly worked for this Board prior to the family leave or part-time in any employment outside the district that commenced prior to the family leave.

Where spouses are both employed by the same employer, they will be limited to a combined total of 12 workweeks of family leave for the following reasons:

- birth and care of a child;
- for the placement of a child for adoption or foster care, and to care for the newly placed child; and,
- to care for an employee's parent who has a serious health condition

The fact that a holiday may occur within the week taken by an employee as Family and Medical Leave Act (FMLA) has no effect on the FMLA leave. The week is counted as a week of FMLA. However, if the employee is out on FMLA and the school district is closed and the employee would not be expected to report for work for one or more entire

weeks, the days the school district is closed, for this employee, do not count against the employee's FMLA leave entitlement.

Any leave time remaining after an employee has exhausted his or her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after an employee has exhausted his or her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

Types of Leave

In certain circumstances, an employee may take family leave in consecutive weeks, as intermittent leave, or as reduced leave.

Consecutive Leave

“Consecutive leave” is leave which is continuous, uninterrupted, and of a specific duration.

Intermittent or Reduced Leave

“Intermittent leave” is leave taken in separate blocks of time due to a single qualifying reason.

“Reduced leave” or a “reduced leave schedule” is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

1. An eligible employee is entitled to take intermittent leave or reduced leave when medically necessary for the serious medical condition of a family member or for their own serious health condition, but the employee and the Board must agree to intermittent leave for the birth or adoption of a child.
2. An employee who requests intermittent or reduced leave for foreseeable medical treatment shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional program.
3. If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the Board may require the employee to choose either to:
 - a. Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - b. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better

accommodates recurring periods of leave than does the employee's regular position.

4. The total time take as intermittent or reduced leave should not exceed the 12 week, 60 day, allotment under the FMLA and/or FLA.

Notice Requirements

An employee shall provide at least thirty days' notice prior to the commencement of leave, when he or she knows about the need for the leave in advance and it is possible and practical to do so.

If 30 days advance notice is not possible because the situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical. When the employee has no reasonable excuse for not providing at least 30 days advance notice, the employer may delay the FMLA leave until 30 days after the date notice is provided. When the employee could not have provided 30 days advance notice, but has no reasonable excuse for not providing a shorter period of advance notice, the employer may delay the FMLA leave by whatever amount of time that the employee delayed in notifying the employer.

Benefits

Family leave shall be unpaid leave.

In accordance with law, the Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the employee had not been absent on family leave.

An employee returning from family leave shall be entitled to the position he or she held when leave commenced or to a similar position, full-time or part-time, within his or her certification, except as his or her entitlement to a position may have been affected by a reduction in force. The employee's tenure and seniority rights, if any, and other benefits shall be preserved, but the employee shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.

The return of an employee prior to the expiration of family leave shall be permitted if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

Family leave granted to a non-tenured employee cannot work to extend the employee's employment beyond the expiration of his or her employment contract.

Verification of Leave

The Board shall require the certification of the health care provider verifying the purpose of requested family leave. Certification of a serious health condition shall contain the date on which the condition commenced, its probable duration, and relevant medical information known to the provider. Certification of a birth or adoption shall contain the projected date of birth or placement.

In the event the Board doubts the validity of the certification, the employee shall obtain the opinion of a second health care provider approved by the Board and at the Board's expense. If the certification and opinion disagree, the employee shall, at Board expense, obtain an opinion from a third health care provider approved by both the employee and the Board. The opinion of the third health care provider shall be final and binding. In order that an employee's entitlement to family leave can be properly determined, the Superintendent shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave.

QUALIFIED EXIGENCY LEAVE

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period as set forth in the FMLA, as amended.

Service member FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

The Board may require a certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought and a copy of the military member's active duty orders.

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

N.J.S.A. 34:11B-1 et seq.

Adopted (replacement): 12/23/2015

Revised: 4/26/2016

Policy

Egg Harbor Township Board of Education

4000 Support Staff Members

4431.1 Family Leave

In accordance with the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act, (NJFLA), the Board of Education will grant eligible support staff members up to twelve weeks leave of absence in any twelve month period for the provision of the care made necessary by the birth or adoption of a child or by the serious health condition of a spouse, parent, child under the age of 18, or children over 18 years old who are incapable of self-care because of a physical or mental impairment.

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