

**FAMILY AND MEDICAL LEAVE ACT**

The Bow School Board acknowledges the Family and Medical Leave Act of 1993 as adopted by the United States Congress. In order to provide its employees eligible under the Act, with the benefits of the Act as well as benefits pursuant to collective bargaining agreements and Board policies and to integrate the administration of the Act with the current benefits and at the same time to carry out the Board policy of insuring the maximum continuity and highest quality of educational program for the students in the Bow school system, the Board adopts the following policy:

1. The Board adopts the definitions and notice requirements set forth in the Act and conditions benefits under the Act and under Board policy on compliance with the notice requirements of the Act.
2. The Board will require medical certificates on a form provided for the Board as contemplated by the Act. Second and third opinions and re-certification will only be required in unique cases and upon not less than twenty (20) days notice to the employee.
3. The twelve (12) month period set forth in the Act is determined to be a look back period of 12 months commencing at the onset of the requested leave period.
4. Because intermittent leave is per se disruptive to the educational welfare of the children of the Bow School District, the Board will require strict compliance with all Act provisions before granting such leave. If such leave is granted, the Board may assign the person to an alternative position in order to provide continuity of the educational program.
5. All leave to which an employee is entitled pursuant to a collective bargaining agreement or policies of the Board shall be used to the extent provided by the Act first and allocated to the FMLA leave in determining pay status and the amount of time a person will be away from his/her task.
6. If an employee elects to continue any benefit during a qualified unpaid leave period and said benefit requires a payment from the employee, the employee shall pay to the Board the required payment prior to the end of each successive pay period. If the employee shall not make all of the required payments, the employee shall be conclusively presumed to authorize the School Board to withhold any expense which the Board may incur and to which it would be entitled to reimbursement from any payments, however, the same are described, which the Board may owe to the employee.

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7. An employee on unpaid FMLA leave shall advise the administration at least every four (4) weeks of his/her continued intent to return to work. Failure to provide the Board with such notice shall be deemed a notice of an intent not to return as contemplated by the Act and the Board may take any action authorized by the Act. Such action may include termination of eligibility for re-employment and termination of any benefits to which the employee may be entitled.
8. Upon return from qualified leave, the eligible employee shall be granted placement in the job held prior to starting the leave if it remains vacant or filled by a short-term substitute; otherwise, to a job within the employee's certification or for which the employee is certifiable.
9. Failure to comply with any requirements of the Act or the policies of the Board will result in loss of the benefits of the Act including the right of re-employment.
10. The policy herein shall be effective as of the date of February 5, 1994.