

Sturgis Public Schools Administrative Guidelines

4430.01B - FAMILY/MEDICAL LEAVE ACT

The following rules are based on the final regulations issued by the Federal government.

- A. The greater than three (3) day requirement under the serious health condition definition has not been revised, but episodic conditions such as asthma, diabetes, epilepsy, and morning sickness of three (3) days or less are now covered by the serious health condition definition. Illnesses such as colds, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are not serious health conditions unless complications arise.
- B. The District shall provide a written response to a staff member making a request for FMLA leave specifying the procedures for administering such leaves. The response will occur within five (5) business days after the request is received or after the District receives sufficient information to determine eligibility for the leave. Any denial will include specific reasons. If there is a dispute over the denial, the matter will be discussed with the employee and the substance of the discussion will be recorded.
- C. The District shall also use the Medical Certification Form developed by the Government. No additional information can be required from the staff member for the purposes of considering an FMLA request. However, clarification may be requested from the certifying health care provider.
- D. The District's health care provider or designated District staff, other than the employee's supervisor, may follow-up with the staff member's health care provider to seek clarification and/or verification of the medical certification. Any further inquiry may occur, only with the staff member's permission. The scope of the follow-up inquiry is specifically limited to the condition necessitating the leave.
- E. A staff member's return to work cannot be delayed while inquiry is made regarding the results of any fitness-for-duty medical examination. No second or third fitness-for-duty certifications shall be required.
- F. The District shall not require a staff member eligible for FMLA leave to return to restricted duty work under a workers' compensation program during the period of FMLA leave availability. However, failure to accept offered work may affect eligibility for workers' compensation benefits.
- G. If an instructional staff member would like to return to teaching before the end of an academic semester, but the District requires the teacher to remain on leave until the next academic semester, that additional leave time will not count against the staff member's twelve (12) week FMLA allotment.
- H. Satisfying the twelve (12) weeks of leave requirement under the FMLA does not automatically establish that any additional leave granted to the staff member would be an undue hardship under the Americans with Disabilities Act. Each individual case shall be examined to determine whether leave in excess of twelve (12) weeks poses an undue hardship should the employee's condition qualify under the disability laws. Additional leave will also be considered under any other applicable policy, contract or collective bargaining agreement.