

LEAVES OF ABSENCE

The Board recognizes that in certain instances a staff member may require a leave absence. The Board will promulgate policy for the award of leaves of absence for staff members provided it is able to employ certified and qualified replacements.

The Board reserves the right to specify the conditions when not otherwise covered by the terms of the negotiated agreement under which uncompensated leaves may be taken.

FMLA/NJFLA

A. Definition and Purpose

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA)

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twelve month period upon advance notice to the District for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son daughter, or parent of the staff member if such spouse, so daughter or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member. Also, eligible employees may take up to 12 weeks of job protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. Also eligible employees may take up to 26 weeks of job protected leave in a “single 12-month period” to care for a covered service member with a serious injury or illness.

NJFLA leave for staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoptions of such child by the staff member, and the serious health condition of a spouse, parent or child.

B. Eligibility

Federal Family and Medical Leave Act (FMLA)

FMLA Leave is available to employees who have worked a full year under contract and have worked a minimum of 1,250 hours over the previous 12 months (NJSA 34:11B-1 et. seq; N.J.A.C. 13:14-1.1K et seq. [FLA] and Family and Medical Leave Act February 5, 1993, 29 U.P.S.C. 2601 et. seq. A husband and wife both employed by the District are limited to a combined total of twelve weeks of leave during the twelve month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care in order to care for the spouse, son, daughter, or parent of the staff member with a serious health condition.

New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in the district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period.

C. Entitlement

Eligible employees may take leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/education program.

D. Application

Employees seeking to use FMLA/NJFLA leave are required to provide at least thirty (30) days written advanced notice of the need to take such leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable-generally, either the same or next business day.

E. Period of Leave

FMLA

Family Leave may be taken for up to twelve (12) weeks during a twelve month period and is granted with benefits.

NJFLA

New Jersey Family Leave may be taken for up to (12) weeks during a twenty four month period and is granted with benefits.

F. Implementation

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the District.

SHORT TERM LEAVE OF ABSENCE

1. Definition and Purpose.

A short term leave of absence is absence without pay, authorized in advance, at the discretion of the Board, for up to six (6) months. The period of leave cannot exceed six (6) months during the period of one school year. At that point, the employee must either return to work or be terminated. *See the Military Service Policy for an exception to this six month limit.*

2. A short term leave of absence implies that the employee intends to return to the same or similar position, which will be available when the employee returns. For this reason, employees must apply for a leave of absence with the Superintendent detailing the type of leave requested, the start and end dates of the leave, whether the day will be charged against sick and personal days or unpaid. If the Superintendent recommends the leave, the recommendation is then forwarded to the Board of Education for approval.

3. A short term leave of absence is not related to a leave that qualifies under the Family and Medical Leave Act (FMLA) or the New Jersey Family Leave Act (NJFLA). However, it is acceptable for an employee who has exhausted the FMLA or NJFLA benefit to take additional leave as a discretionary leave of absence. Any leave for a reason that qualifies under FMLA or NJFLA cannot be granted as a short term leave while the employee is eligible for FMLA or NJFLA leave.

4. The intent of all leaves is to provide employees with an opportunity to take care of uncontrollable events that interfere with the employee's ability to meet their employment responsibilities. Employment elsewhere while on leave without the written approval of the Superintendent and the Board of Education is prohibited and is subject to immediate discharge.

5. Conditions considered approving a short term leave of absence
The Superintendent and the Board of Education are responsible for approving a short term leave of absence. Approval depends on consideration of the conditions listed below.
 1. The Superintendent's recommendation
 2. The purpose of the leave of absence
 3. The length of the leave of absence requested
 4. The employee's length of service
 5. The expected or potential length of service once the employee returns
 6. The problems incurred in hiring a temporary replacement, if the School District needs a replacement

6. Benefits during a short term leave of absence
An employee on a short term leave of absence may continue participation in the medical, prescription and dental care insurance plans. The Board of Education will cover group health benefits of four (4) days per instance, not to exceed six (6) days per school year. For any additional time taken, the employee may purchase the benefits from the Board of Education.

7. Staff do not accrue time off during a short term leave of absence.

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

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

N.J.S.A. 13:14-1 et seq.

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Adopted: