



503 FAMILY AND MEDICAL LEAVE POLICY

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to Spero Academy employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and also with the Minnesota Parenting Leave Act.

II. GENERAL STATEMENT OF POLICY

The following procedures and policies regarding family and medical leave are adopted by Spero Academy pursuant to the requirements of the FMLA and consistent with the requirements of the Minnesota parenting leave law.

III. LEAVE ENTITLEMENT

A. Twelve-Week Leave under Federal Law

- i. "Eligible employee" is an employee who has been employed by Spero Academy for at least 12 months, has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, and works at or reports to a work site where 50 or more employees are employed by Spero Academy within 75 miles of the work site.
- ii. Eligible employees are entitled to a total of 12 workweeks of unpaid family or medical leave during the applicable 12-month period as defined below.
- iii. Leave may only be taken for one or more of the following reasons in accordance with applicable law:
 1. Birth of the employee's child and to care for the newborn child;
 2. Placement of an adopted or foster child with the employee and to care for the newly placed child;
 3. To care for the employee's spouse, son, daughter, or parent with serious health conditions; and/or
 4. The employee's serious health condition makes the employee unable to perform the functions of the employee's job.

- iv. For the purposes of this policy, “year” is defined as a rolling 12-month period measured backward from the date an employee uses any leave.
- v. A “serious health condition” typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short-term conditions for which treatment and recovery are very brief.
- vi. Eligible spouses employed by Spero Academy are limited to a combined total of twelve weeks leave during any 12-month period for the birth or adoption of a child, the placement of a child for foster care or to care for a parent. Employer paid benefits are paid by the employer for a total of twelve weeks only. This limitation for spouses employed by Spero Academy does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with serious health condition, or because of the employee’s own serious health condition.
- vii. Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of Spero Academy or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, Spero Academy may transfer the employee temporarily to an available alternative position for which the employee is qualified, which better accommodates recurring periods of leave, and which has equivalent pay and benefits.
- viii. If an employee requests a leave for the serious health condition of the employee or the employee’s spouse, child, or parent, the employee will be required to submit sufficient medical certification. The employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
- ix. If Spero Academy has reason to doubt the validity of a health care provider’s/treating physician’s certification, it may require a second opinion at Spero Academy’s expense. If the opinions of the first and second health care providers differ, Spero Academy may require certification from a third health care provider at Spero Academy’s expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
- x. Requests for medical leave, certified by a treating physician, shall be made to the Director of Spero Academy. Employees must give 30 days’

written notice of a request for a leave of absence. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to unduly disrupt the operations of Spero Academy.

- xi. During the period of a leave permitted under this policy, Spero Academy will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.
- xii. Spero Academy may request or require the employee to substitute accrued paid leave for any portion of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines as stated in the Spero Academy Employee Handbook. Employees eligible for leave must comply with the family and medical leave directives and guidelines before starting their leave. It shall be the responsibility of the Director to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review. Spero Academy shall comply with written notice requirements as set forth in federal regulations.
- xiii. Employees returning from a leave permitted under this policy are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
- xiv. An employee who does not return to work after leave may, in some situations, be required to reimburse Spero Academy for the cost of the employer paid health plan premiums.
- xv. The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.

B. Twelve-Week Leave under the Minnesota Parenting Leave Act

- i. An employee who does not qualify for parenting leave under Paragraph III. A. above, may qualify for a 12 week unpaid leave under the

Minnesota Parenting Leave Act. This leave is available to regular full-time and part-time employees who have been employed by Spero Academy for at least 12 months, have worked at least half time during the past 12 months, and have worked at or reported to a work site that has 21 or more employees.

- ii. Leave may be taken by:
 - 1. A biological or adoptive parent in conjunction with the birth or adoption of a child;
 - 2. A female employee for prenatal care or incapacity due to pregnancy, childbirth or related health conditions.
- iii. This leave is separate from the family and medical leave under federal law as described above under Paragraph III. A. The leave may be reduced by any period of paid parental leave, disability leave, medical leave or accrued PTO provided by Spero Academy so that the total leave does not exceed 12 weeks unless agreed to by the employer.
- iv. The leave taken under this section shall begin at a time requested by the employee. An employee who plans to take leave under this section must give the Spero Academy reasonable notice of the date the leave shall commence and the estimated duration of the leave.
- v. Leave is unpaid unless the employee uses available paid time off under the terms applicable to that benefit. If applicable, an employee who receives group insurance may retain the same insurance that applied before the leave commenced.
 - 1. To continue coverage employees must continue to pay both **employee** and **employer** contributions throughout the duration of leave.
 - 2. Employees who are not receiving paychecks from which deductions may be made must send the full premium to Spero Academy either in advance, or in installments by each payday for which the full contribution to the premium is due.
 - 3. Failure to pay the associate contribution may result in cancellation of coverage.
- vi. For leave taken by a biological or adoptive parent in conjunction with the birth or adoption of a child, the leave must begin within 12 months of the birth or the adoption. In the case where the child must remain in the hospital longer than the mother, the leave must begin within 12 months after the child leaves the hospital.

- vii. The provisions of this policy are intended to comply with applicable law, including Minnesota Statute 181.941 the Minnesota Pregnancy and Parenting Leave Act (MPLA). Any terms used from the MPLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail

IV. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in areas accessible to Spero Academy’s employees.
- B. This policy will be reviewed at least annually for compliance with state and federal law.

Legal References: *Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)*
29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)
29 C.F.R. Part 825

Cross References: *MSBA Service Manual, Chapter 13, School Law Bulletin “M” (Statutory Provisions Which Grant Leaves to Licensed as well as Non-Licensed School District Employees – Family Medical Leave Act Summary)*