Sparta Area School District

Article 303 - Medical Leave

Requests for medical leave shall be made in writing to the Superintendent. Employees will provide a statement signed by a physician indicating that the employee is unable to perform the assigned duties and essential functions of the position and the approximate date the physician believes the employee should be physically and/or mentally able to perform his/her duties and essential functions of the position.

The Sparta Board of Education will comply with the provisions as set forth in the State and Federal Laws relative to the Family and Medical Leave Act and the Wisconsin Bone Marrow and Organ Donation Leave Law. The 12-month benefit period designated for the purpose of complying with the provisions of the State Family and Medical Leave Act shall begin January 1 and end on December 31 of each year. The 12-month benefit period designated for the purpose of complying with the provisions of the Federal Family and Medical Leave Act shall be a rolling calendar measured backward 12 months from the date the employee uses any FMLA leave.

Requests for leaves under the FMLA will be made on the prescribed form with thirty (30) calendar days advance notice prior to the beginning of the leave date except in emergency situations. If the employee fails to provide medical certification, a second notice will be issued. After ten (10) calendar days of issuing a second notice, employees who fail to comply may be disciplined.

FMLA requests for leave related to the serious health condition of adult children must include medical documentation. Adult children must be incapable of self care. An adult child is defined as an individual who is 18 years of age or older and cannot care for himself/herself because of a serious health condition.

The Superintendent shall grant, deny, or modify the FMLA qualified leave request. If the employee is not satisfied with the decision of the Superintendent, the individual may appeal the decision.

Employees may file their complaint under the Wisconsin Family and Medical Leave Act with the Department of Workforce Development pursuant to section 103.10(12), Wisconsin Statutes. Employees may also file their complaint under the Federal Family and Medical Leave Act with the applicable state or federal court of competent jurisdiction under 29 U.S.C 2611 and 2617.

Substitution of paid leave will not be required the first 10 days of leave as allowed under the Wisconsin Family & Medical Leave Act. For the remainder of the approved leave under Federal law, the district may require an employee to concurrently exhaust accumulated paid leave (vacation and personal leave excluded) during an approved FMLA leave until the employee qualifies for long term disability benefits. If paid leave is available, all employees will be allowed to hold in reserve one paid leave day for each month remaining in their work agreement after their anticipated return date.

If not covered by the Federal FMLA, a two-month unpaid leave of absence for any serious health condition for the employee or family member as defined by the Federal Family and Medical Leave Act may be granted by the Superintendent upon written request from the employee with a statement from the physician. The district may require an employee to exhaust accumulated paid
leave (vacation and personal leave excluded) prior to being granted a medical leave. The employee will be responsible for the employee and employer share of the health and dental insurance premium during the unpaid leave. The employee may continue participation in the health benefit during the unpaid leave through COBRA. Holidays falling during unpaid leave time will not be paid. Medical leave required beyond the Federal FMLA leave or 2 month medical leave should be requested under Article 304 – Leave of Absence.

Position protection for up to two months will be provided to those not covered by the Federal FMLA.

Extensions of a medical leave will be considered on a case by case basis as an accommodation for an ADA disability.

Legal Reference:
Section 103.10 Wisconsin Statutes (WI FMLA)
Section 103.11 Wisconsin Statutes (WI Bone Marrow & Organ Donor Leave)
DWD Ch.225 WI Administrative Code
29 W.S.C. Ch28 Federal Law (FMLA)
29 C.F.R. Part 825 Federal FMLA regulations/school employees

Cross Reference:
Board Policy Article 304 – Leave of Absence

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