

STAFF PERSONNEL

Family Medical Leaves of Absence

Procedures:

1. ***Notification Requirements.*** If the leave is planned in advance, you must provide the school with at least thirty (30) days' notice prior to the anticipated leave date, using the Diocese of Des Moines FMLA Request Form (Regulation 430.2). In the case of leave arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) of the armed forces in support of a contingency operation, the employee shall provide such notice to the school as is reasonable and practical. Verbal notice of the need for leave is sufficient, but it is preferred that you provide notice by filing the Diocese of Des Moines FMLA Request Form

If the leave is unexpected, you should notify the principal as far in advance of the anticipated leave date as is practicable. (Normally, this should be the same day or the next business day after you become aware of your need for the leave.) Verbal notice of the need for leave is sufficient, but it is preferred that you provide notice by filing the Diocese of Des Moines FMLA Request Form.

1. ***Designation of Leave as FMLA-qualifying.*** The school will provide a written notice through the FMLA Designation Notice (Regulation 430.4) to the employee designating the leave as “FMLA-qualifying” within five (5) business days after the school has enough information to determine whether the leave is being taken for a FMLA-qualifying reason, absent extenuating circumstances. The school may delay final leave designation until a required medical certification form, the FMLA Certification of Health Care Provider for Employee’s Serious Health Condition (Regulation 430.3) has been returned.

2. ***Certification of the Need for Leave.*** The school will require you to provide certification of the need for leave as follows:

- Employees requesting a leave to care for a child after birth or after placement in your home for adoption or foster care must provide documentation to support the leave request.
- Employees requesting a leave to care for a covered family member (including as a next of kin in the case of service member leave, as discussed above) with a serious health condition (or serious injury or illness, in the case of service member leave) will be required to provide medical certification from the family or service member's
- physician attesting to the nature of the serious health condition, probable length of time treatment will be required, and the reasons that the employee is required to care for this family or service member.

- Employees requesting a leave due to his or her own serious health condition will be required to provide medical certification from his or her health care provider attesting to the nature of the serious health condition, probable length of time leave will be required, and the inability of the employee to perform the functions of his or her position due to the serious health condition.
- Employees requesting leave due to a military exigency will be required to provide certification that the covered family member is a member of the Armed Forces, including a member of the National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation. The employee will also be required to provide a statement, including available written support documentation, about the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member.

Employees are required to provide the requested certification (FMLA Certification of Health Care Provider for Employee's Serious Health Condition (Regulation 430.3) within fifteen (15) calendar days of the school's request for certification. If the school fails to receive the certification, FMLA leave may be denied. If the school receives incomplete, vague, ambiguous or non-responsive medical certifications, the school will notify you of the problems with the certification and provide you seven (7) days to cure any deficiency unless not practicable under the circumstances. If the deficiencies are not cured within that time frame, the school may contact the health care provider directly for clarification or authentication purposes or the FMLA leave may be denied.

If management determines that a second medical opinion is required, management may, at its own expense, require you to obtain a second opinion from a health care provider designated by the school. If the first and second opinions do not agree, management may, at its own expense, require you to obtain a third opinion from a health care provider agreed upon by both you and management. The opinion of the third health care provider is final.

1. ***Recertification.*** While on leave under this policy, management may request recertification of medical necessity every thirty (30) days, or if the medical certification indicates the minimum duration of the condition is more than 30 days, then at the end of the minimum duration. You may also be requested to provide recertification in less than 30 days if you request a leave extension, the circumstances described by the earlier certification have changed substantially, or the school receives information that casts doubt upon the employee's stated reason for the absence. The school may also require periodic reports on your status and intent to return to work. Where a serious health condition of either an
2. employee or that of a family member lasts beyond a single leave year, the school may require employees to provide a new medical certification each subsequent leave year.
3. ***Substitution of Paid Leave.*** Employee will be required to use all accrued, unused sick days, vacation days, discretionary holiday, and personal days during

the leave period. When leave is taken on an intermittent or reduced leave schedule, the minimum increment of substituted paid leave used will not be less than one hour, but your FMLA leave entitlement will not be reduced by more than the amount of leave actually taken. Once such benefits are exhausted, the balance of the leave will be without pay. FMLA leave because of an employee's own serious health condition will run concurrently with worker's compensation leave, when applicable.

4. ***Continuation of Benefits.*** All school benefits that operate on an accrual basis (e.g., vacation and personal days) will cease to accrue during the leave period. All group health benefits (e.g., major medical, hospitalization, and dental insurance) will continue during the leave provided you continue regular employee contributions to these plans. (Other benefits will be governed in accordance with the terms of each benefits plan.)

Regulation Adopted: May 17, 2004

Regulation Revised: September 20, 2010

Regulation Reviewed: March 25, 2013