

**MURFREESBORO CITY SCHOOL BOARD POLICY**

<b>Descriptor Term:</b>  <b>FMLA AND TENNESSEE MATERNITY ACT</b>	<b>Descriptor No:</b>  <b>PER 38</b>	<b>Date Adopted:</b>  <b>4/00</b>
	<b>Reviewed/Revision Adopted:</b>  <b>9/01; 9/11</b>	

1   **PURPOSE**

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3   To entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a  
4   child, and for the care of a child, spouse or parent who has a serious health condition.

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7   **ELIGIBILITY**

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9   Anyone who has been employed for at least twelve (12) months by the school system and who  
10   has at least 1,250 hours of service during the previous twelve-month period.

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13   **GENERAL PRINCIPLES**

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15   1. Any employee shall be granted, upon request, up to twelve (12) weeks unpaid leave for  
16   the following reasons:

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- 18       • To care for a spouse, son, daughter, or parent with a serious health condition;
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- 20       • To take medical leave when the employee is unable to work because of a serious  
21       health condition; or
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- 23       • For qualifying circumstances arising out of the fact that the employee’s spouse,  
24       son, daughter, or parent is on active duty or call to active duty status as a member  
25       of the National Guard or Reserves in support of a contingency operation.
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28   2. Any employee shall be granted, upon request, up to four (4) months of unpaid leave for  
29   the birth and care of a newborn child of the employee, and the placement with the  
30   employee of a son or daughter for adoption in accordance with the Tennessee Maternity  
31   Leave Statue. Any employee on maternity leave shall be permitted to use accumulated  
32   sick leave during the period of actual physical disability only. Otherwise, the maternity  
33   leave shall be unpaid leave. An employee may use up to thirty (30) days of accumulated  
34   sick leave for the adoption of a child. If both parents are employees of Murfreesboro  
City Schools, they are eligible for a combined four (4) months.

- 35 3. Any eligible employee shall be granted, upon request, up to twenty six (26) weeks of  
36 unpaid leave during a single 12 month period to care for a spouse, son, daughter, parent  
37 or next of kin of a current member of the Armed Forces with a serious injury or illness.  
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- 39 4. A physician's statement will be required by the Director of Schools when determining the  
40 period of actual physical disability.  
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- 42 5. Request for leaves and extension of leaves shall conform with federal and state laws  
43 governing leaves of absences.  
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#### 45 RESTRICTIONS

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- 47 1. For foreseeable leave, the employees shall provide the Director of Schools with at least  
48 thirty (30) days' written notice before beginning of the anticipated leave.  
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- 50 2. The Director will require that a request for leave be supported by certification issued by a  
51 health care provider with the following information:  
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- 53 a. the date on which the serious health condition commenced;
  - 54 b. the probable duration of the condition;
  - 55 c. the appropriate medical facts within the knowledge of the health care provider  
56 regarding the condition; and
  - 57 d. a statement that the eligible employee is needed to care for the son, daughter,  
58 spouse or parent and the estimate of the time that such employee is needed.  
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- 60 3. If there is any reason to doubt the validity of the certification provided, the Director may  
61 require, at the expense of the school system, an opinion of a second health care provider.  
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- 63 4. Any employee requesting leave under the Family and Medical Leave Act shall include in  
64 the leave any applicable accumulated sick leave.  
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- 66 5. Intermittent Leave -- When a licensed employee requests foreseeable leave for planned  
67 medical treatment and the employee would be on leave for greater than 20% of the total  
68 number of working days in the period during which the leave would extend, the school  
69 may require that such employee elect either to take the leave for periods of a particular  
70 duration, not to exceed the duration of the planned medical treatment, or to transfer  
71 temporarily to an unavailable alternative position offered by the school system for which  
72 the employee is qualified, and that has equivalent pay and benefits and better  
73 accommodates recurring periods of leave.  
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- 75 6. Period Near the End of an Academic Term (Professional employees) -- If leave is taken  
76 more than five (5) weeks prior to the end of the term, the Director of Schools may require  
77 the employee to continue taking leave until the end of the term if the leave is at least three  
78 (3) weeks of duration and the return of employment would occur during the three (3)  
79 week period before the end of the term.  
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81 If the leave is taken five (5) weeks or less prior to the end of the term, the Director of Schools  
82 may require the employee to continue taking leave until the end of the term if the leave is greater  
83 than two (2) weeks duration and the return to employment would occur during the two (2) week  
84 period before the end of the term.  
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86 REQUIREMENTS OF THE BOARD

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- 88 1. The employee shall be restored to the same position of employment or an equivalent
- 89 position with no loss of benefits, pay, or other terms of employment.
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- 91 2. The employee shall be kept under any group health plan for the duration of the leave.
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- 93 3. The Board may recover premium paid under the following conditions:
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- 95 a. the employee fails to return from leave after the period of leave has expired.
- 96 b. the employee fails to return to work for a reason other than the continuation,
- 97 recurrence, or onset of a serious health condition or other circumstances beyond
- 98 the control of the employee.
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100 An employee, including an employee on pre-approved leave or other type of leave, shall not be

101 charged with a day of leave for any day on which the employee's school or the school district is

102 closed due to natural disaster, inclement weather, serious outbreak of contagious illness, or other

103 unexpected event.

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122 Legal References:

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124 Federal Family and Medical Leave

125 Act of 1993

126 T.C.A. 49-5-702

127 T.C.A. 4-21-408

128 T.C.A. 49-5-710

129 T.C.A. 49-5-704

130 OP Tenn. Atty Gen 94-006

131 (January 13, 1994)