



FMLA Policy for PFT-Represented Professionals

Family and Medical Leave Policy for Teachers and Other Professional Employees Represented by the Pittsburgh Federation of Teachers

The Pittsburgh Board of Public Education (“Board”) is covered under the Family and Medical Leave Act of 1993, as amended (“FMLA” or “Act”). In compliance with the FMLA, this policy statement provides notice and information regarding your eligibility, rights, and responsibilities under the Act. Nothing in this policy shall be construed to diminish the obligation of the Board to comply with the Pennsylvania School Code of 1949 or the applicable collective bargaining agreement. The leave provisions of the collective bargaining agreement are more generous, in most situations, than those provided by the FMLA. The rights of covered employees under the collective bargaining agreement shall not be diminished by the FMLA. To the extent a request for an FMLA qualifying leave is also covered by the collective bargaining agreement, the leave granted shall be designated as FMLA leave to the extent required by law and for recordkeeping purposes. To the extent the FMLA grants rights greater than those presently contained in the collective bargaining agreement, an explanation of those rights is contained herein.

FMLA Eligibility

Any employee of the Board who has worked for the Board for at least one year and for 1,250 hours over the previous 12 months is eligible for leave under the Act. Only hours actually worked will be counted toward the 1,250 hours needed to be eligible for FMLA protections. Vacation time, sabbaticals, sick leave, personal days, or other Board approved leave are not counted toward the calculation of 1,250 hours.

Twelve Weeks/FMLA Leave – Four Types

The Board will provide a total of 12 weeks of unpaid leave to eligible employees during a fixed 12-month period for:

1. The birth of an employee’s child or placement of a child for adoption or foster care (taken within 12 months of the birth or placement);
2. Your own serious health condition;
3. Because you are needed to care for your spouse, child, or parent due to their serious health condition; or
4. Because of a qualifying exigency arising out of the fact that your spouse, child, or parent is on covered active duty or call to covered active duty status with the Armed Forces.

The Board utilizes a rolling 12-month period measured backward from the first date the leave is taken.

Twenty-Six Weeks/FMLA Leave – Military Caregiver

The Board will provide up to 26 workweeks of leave during a single, 12-month period because you are the spouse, child, parent, or next of kin of a covered servicemember with a serious injury or illness (“military caregiver leave”). The single 12-month period begins on the first day you take military caregiver leave and ends 12 months later.



Pittsburgh
Public Schools

FMLA Policy for PFT-Represented Professionals

Use of Paid Leave in Conjunction with FMLA Leave

Unless you notify the District otherwise, any accrued paid sick time you have shall run concurrently with a medical/family medical leave that you are using to care for yourself or for maternity leave. You may use a maximum of five sick leave days per school year to care for a seriously ill child or parent, or for paternity leave.

Notice to Board and Certification

The Board requires that you provide us with 30 days advance notice when FMLA leave is needed, if your need is foreseeable. Otherwise, you must provide the Board with as much notice as reasonably possible. If you are taking leave for a serious health condition or the serious health condition of a covered family member, the Board requires that you submit certification to support your request and may require periodic recertification from the physician. The Board reserves the right to require second or third medical opinions at the Board's expense. In accordance with our medical leave of absence policy, if you take FMLA leave for personal illness, the Board will also require a medical certification indicating whether you are able or unable to return from leave due to your health condition.

Intermittent Leave and Reduced Leave Schedule

Your 12 weeks of leave may be taken intermittently or on a reduced leave schedule for your own serious health condition or the serious health condition of a covered family member, if written approval from the Board is given. If you need intermittent leave or a reduced leave schedule due to a medical necessity, your request will be accommodated upon receipt of appropriate documentation, provided you make every effort to schedule your absences so as to minimize the impact on the Board's operations.

If you request intermittent leave or leave on a reduced schedule and you will be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the Board shall require that you elect either to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment, or to transfer temporarily to an available alternative position offered by the Board for which you are qualified that has equivalent pay and benefits and better accommodates recurring periods of leave than your regular employment position. A period of particular duration shall mean a block or blocks of time beginning on the first day for which leave is needed and ending no later than the last day on which leave is needed, and may consist of one uninterrupted period of leave.

If you request intermittent leave or leave on a reduced schedule near the conclusion of an academic term and such request is granted, the following rules shall apply:

- If you begin leave more than five weeks prior to the end of the academic term, the Board may require you to continue taking leave until the end of such term if the duration of leave is three weeks or greater and your return to employment would occur during the final three weeks of the academic term.
- If you begin leave during the period that commences five weeks prior to the end of the academic term, the Board may require you to continue taking leave until the end of such term if the duration of leave two weeks or greater and your return to employment would occur during the final two weeks of the academic term.
- If you begin leave during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the Board may require you to continue to take leave until the end of the academic term.



Pittsburgh
Public Schools

FMLA Policy for PFT-Represented Professionals

Protections During and After FMLA Leave

At the conclusion of FMLA leave, returning employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other terms and conditions of employment, in accordance with the Act and the collective bargaining agreement. Placement in a position other than that held at the inception of the leave shall not be for arbitrary or capricious reasons. Teachers returning from leave near the close of a school year or school semester may not be returned to their former positions until the start of the following school year or school semester, in compliance with the rules set forth above. Such teachers may be assigned as replacement teachers or in some other teaching position.

During the period of your FMLA leave, the Board will continue your health care coverage as if you were continuously employed. Failure to make timely premium payments may result in the termination of your health care coverage. Provisions for the payment of your health care premiums will be made at the time of your leave request. The use of FMLA leave will not affect your exempt status under the Fair Labor Standards Act if you are already considered exempt. If you fail to return to work at the conclusion of your leave period, you are obligated to repay the Board the cost of your health care premiums paid for by the Board during the period of your leave. You are not obligated to repay the Board if your failure to return from leave is due to circumstances beyond your control. Other benefits, such as seniority, pension, vacation, or sick leave, shall accrue while on leave only to the extent specifically provided under the terms of the collective bargaining agreement.

The Board will not interfere with, restrain, or deny the exercise of any right provided under the FMLA. We will not discharge or discriminate against any person for opposing any practice made unlawful by the FMLA nor will we discriminate or discharge any person because of involvement in any proceeding under or related to the FMLA. The Secretary of Labor is authorized to investigate and attempt to resolve complaints of violations and may bring an action in any federal or state court against an employer for violating the FMLA. The FMLA will be enforced by the Department of Labor's Wage and Hour Division. An eligible employee may also bring a civil suit for violations of the FMLA. It should be noted that the FMLA does not affect any federal or state law prohibiting discrimination, nor does it supersede any state or local law which provides for greater family or medical leave benefits. The FMLA does not affect an employer's obligation to provide greater leave benefits if that is required under a collective bargaining agreement or employment benefit plan or contract. No rights provided for under the FMLA may be diminished or waived by agreement, plan or contract. A copy of your rights under the FMLA is posted at the Board, and we are always happy to answer any questions concerning the FMLA or other concerns you may have as an employee. When FMLA leave is requested, we will provide you with a summary of your rights and obligations, and the expectations that we have of you in exercising leave. If an employee should find that an additional leave of absence is needed at the end of the FMLA leave period, that employee should contact the Office of Human Resources. Requests for additional leaves of absence will be handled on a case by case basis.

Additional Information

Spouses, both of whom are employed by the Board, are limited to a total of 12 weeks of leave between them, in any 12-month period, except in circumstances where either spouse or their child is affected by a qualifying serious health condition or in the case of military caregiver leave.

If you have any questions regarding this policy, you may contact Human Resources.



Pittsburgh
Public Schools

FMLA Policy for PFT-Represented Professionals

Family and Medical Leave Appendix

Definitions and Standards

The following definitions and standards apply unless specifically stated otherwise in this policy or applicable law.

ELIGIBLE EMPLOYEE is any employee who has worked for the Board for at least one year and for 1,250 hours over the previous 12 months.

SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves one of the following:

Inpatient Care: Care that requires an overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care.

Incapacity and Treatment: A serious health condition involving continuing treatment by a health care provider or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.

The first (or only) treatment by a health care provider must be an **in-person visit** and take place within seven days of the first day of incapacity.

A "regimen of continuing treatment" includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.

Pregnancy or Prenatal Care: Any period of incapacity due to pregnancy or for prenatal care.

Chronic Conditions: Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits (at least twice per year) to a health care provider, continues over an extended period of time and may cause episodic rather than a continuing period of incapacity.

Permanent or Long-Term Conditions: A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, but requires continuing supervision of a health care provider.

Conditions Requiring Multiple Treatments: Any period of absence to receive multiple treatments by a health care provider for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days without the treatments.



Pittsburgh
Public Schools

FMLA Policy for PFT-Represented Professionals

QUALIFYING EXIGENCY LEAVE (MILITARY). An eligible employee is entitled to up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty:

For members of the **Regular** Armed Forces, duty during deployment of the member with the Armed Forces to a foreign county; or

For members of the **Reserve** components of the Armed Forces (members of the National Guard or Reserves), duty during deployment of the member with the Armed Forces to a foreign county under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

This leave can be reduced by any other FMLA leave taken in the same period.

Qualifying exigencies include issues arising from the military member's short notice deployment, making alternative child care arrangements for a child of a deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence.

MILITARY CAREGIVER LEAVE. Covered service member:

A **current** member of the Armed Forces, including the National Guard and Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability list, for a serious injury or illness. For purposes of Servicemember Family Leave "serious injury or illness" means an injury or illness incurred by the member in the line of duty on active duty within the meaning of 10 U.S.C. §101(a)(13)(B) in the Armed Forces, National Guard or Reserves that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or

A **veteran** of the of the Armed Forces (including the National Guard and Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Note: a veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

During the single 12-month period commencing on the first day of military caregiver leave, an eligible employee shall be entitled to a combined total of 26 workweeks of Family and Medical Leave and/or military caregiver leave.

Military caregiver leave may be taken intermittently as set forth in the Board's FMLA policy, and employees are required to use vacation time and personal days as set forth in the Board's FMLA policy.