

July 24, 2002

AMEND BOARD REPORT 97-1217-PO3 POLICY ON THE

Subject: Policy on the Family and Medical Leave Act (FMLA)

Board of Trustees Board of Education of the City of Chicago and the Issues: The Chicago Schools are committed to compliance with the Family and Medical Leave Act (FMLA) as outlined below. A committee consisting of representatives from Human Resources, Budget, Risk and Benefits Management and Law has CPS administrators and attorneys from the Law Department have and federal law to ensure that this FMLA policy does not conflict with or contradict current employee leave benefits.

History of Board Action: None December 17, 1997 adoption of Family and Medical Leave Act policy Board Report 97-1217-PO3

Recommendation: Review the current policy as set forth below

POLICY ON FAMILY AND MEDICAL LEAVE

I. ELIGIBILITY

(1) Any CPS employee who has been employed for at least 12 months, and who has worked a minimum of 1,250 hours in the preceding twelve months may take an unpaid leave

(2) In order to provide care for a son or daughter during the 12-month period after the birth of that child to the employee or the employee's spouse;

(3) In order to provide care for a son or daughter during the 12-month period after a child is adopted by or placed in the foster care of the employee;

(4) In order to provide care for a son or daughter, spouse or parent with a serious health condition. The 12-month period shall be measured backward from the date an employee uses any FMLA leave. Additionally, leave may be taken in increments of less than 12 weeks. Any leave taken for the above-stated purposes will be counted towards the 12 weeks of allowed FMLA leave.

(5) A husband and wife who are eligible for FMLA leave and who are both employed by Board of Education of the City of Chicago will be limited to a combined total of 12 weeks of unpaid

(6) The employee's son or daughter or to care for the child after birth; (7) To care for a son or daughter with the employee for adoption or foster care; (8) To care for the employee's parent with a serious health condition; or to care

Substance abuse may constitute a serious health condition under this policy. The definition of a serious health condition in sections 1(A) and (B) above of FMLA leave may only be taken for substance abuse if a health care provider has provided a written certification that the employee's need for leave is due to a serious health condition. Substance abuse, but unrelated to treatment, does not qualify for FMLA leave.

NOTICE

Employees must provide 30 days advance notice when before FMLA leave. A) Employees are required to provide 30 days advance notice when before FMLA leave for adoption or foster care, or planned medical treatment for a serious health condition of an eligible family member. If 30 days notice is not practicable because of a lack of knowledge of approximately when a leave will be required to begin due to a change in

VI. HEALTHCARE BENEFITS

expenses associated with insuring the employee during said leave.

VII. INSTRUCTIONAL EMPLOYEES

defined as those whose principal function is to teach and instruct
a group or an individual, or to provide prior to class.

A)

Instructional Employees,
students in a class, etc.
leave rules:

(2) If an eligible instructional employee needs intermittent leave or leave on a
reduced leave schedule, which is foreseeable based on planned medical treatment,
and the employee would be on leave for more than 20 percent of the total number
of working days over the period the leave would extend, the employee will be
required to take consecutive leave for a period no less than the duration, nor greater
than the duration of the planned treatment.

(3) If an instructional employee does not give required notice of foreseeable FMLA

VIII. KEY EMPLOYEES

A) Key Employees are defined as those senior FMLA-eligible employees who are in the highest paid ten percent of all CPS employees. A key employee may be denied

an FMLA leave if the Board determines that reinstatement will cause substantial and grievous economic injury to CPS operations.

B) If the Board believes that reinstatement may be denied to a key employee, the Board will

the potential consequences with respect to reinstatement and benefits if the Board determines that the employee will not be

from the employee or maintenance of health reinstated from FMLA leave.

The Board will provide written notice and a reasonable opportunity for the employee to be heard before the Board makes its decision. The Board will also provide written notice to the employee of the Board's decision to determine

earlier. If the notice cannot be given immediately because of the need

practicable.

statement on given to the

C) As soon as practicable after the Board determines that reinstatement may be denied to a key employee because of substantial and grievous economic injury to CPS operations, the Board will notify the

employee in writing, by certified mail, of its intent to deny the employee reinstatement upon completion of the FMLA leave. It is anticipated that such notice will be

giving the notice

D) If a key employee fails to return to work within a reasonable time after receiving the notice, CPS will not allow the employee to be reinstated to work.

period.

VIII-IX. STATUTORY GUIDELINES

The terms of this policy are to be construed according to the definitions and provisions of the Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 et seq.

Legal Review:

Approved for Consideration:

Respectfully Submitted:

Barbara Eason-Watkins
Barbara Eason-Watkins
Chief Education Officer

Arne Duncan
Arne Duncan
Chief Executive Officer

Approved as to Legal Form:

Marilyn Johnson

Chief Fiscal Officer

General Counsel