

**HOOKSETT SCHOOL DISTRICT  
FAMILY AND MEDICAL LEAVE ACT**

Pursuant to the Family and Medical Leave Act of 1993, the Hooksett School District will provide up to 12 weeks of unpaid family/medical leave per year for employees eligible for such leave. The following policy outlines the basic requirements for obtaining leave, the amount of leave that may be taken, and how the leave relates to other time off provided by the Hooksett School District.

Eligibility

A school district employee must have been employed by the school district for at least 12 months and who has worked at least 900 hours in the previous 12-month period shall be eligible for family and medical leave under the same terms and conditions as leave provided to eligible employees under the federal Family and Medical Leave Act of 1993.

Employees may take family/medical leave in the following circumstances:

1. To care for a newborn child, so long as leave is completed by the child's first birthday;
2. When a child is placed with the employee for adoption or foster care, so long as the leave is completed by one year following initial placement;
3. To care for a spouse, child or parent of an employee who requires such care because of a serious health condition; or
4. Because the employee has a serious health condition which renders him/her unable to perform his/her job.

Amount of Family/Medical Leave

In no event can family/medical leave last for longer than 12 weeks per year. The year, for these purposes, shall be July 1 through June 30. Employees who wish to take family/medical leave will be required to substitute any accrued but unused vacation and other leave for family/medical leave (i.e., use of other leave will count as concurrent use of family/medical leave). If other accrued leave is exhausted in less than 12 weeks, employees may augment such leave with family/medical leave until the total of all leave equals 12 weeks. No additional vacation or sick leave will accrue while an employee is on family/medical leave. However, upon returning to work, employees will continue to accrue vacation and other leave.

An employee who is taking family/medical leave on account of a serious medical condition of himself/herself, a spouse, a child, or a parent may take leave intermittently or on a reduced-schedule basis. Employees taking family/medical leave for any other reason are not entitled to leave on an intermittent or reduced-schedule basis. When necessary, an employee on intermittent or reduced-schedule leave may be transferred to another position, with no loss in pay or benefits, which will more easily accommodate the need for leave.

Special Rules for Teachers

Congress created special rules for teachers who must take family/medical leave intermittently due to their own or covered relatives' serious health conditions. If the teacher would be on leave for more than 20 percent of the working days in the period for which the teacher seeks intermittent leave, the Hooksett School District may require the teacher to elect either (1) to take non-intermittent leave for the period not to exceed the duration of the planned medical treatment or (2) to transfer temporarily to an available alternative position that the employee is qualified to hold, that has equivalent pay and benefits, and that better accommodates intermittent leave than the employee's regular position.

Special provisions also limit teachers' rights to take family/medical leave, either intermittent or non-intermittent, close to the end of an academic term. The United States Department of Labor's regulations define "academic term" to mean a semester. If a teacher wishes to begin family/medical leave (for any purpose) more than five weeks before the end of the term and to return with less than three weeks left in the term, the Hooksett School District may require the teacher to remain on leave until the end of the term. If the employee wishes to begin family/medical leave (for any purpose except his/her own serious health condition) more than three but less than five weeks before the end of the term and to return during the last two weeks of the term, the Hooksett School District may require the teacher to remain on leave until the end of the term. If the teacher wishes to begin family/medical leave (for any purpose except his/her own serious health condition) during the last three weeks of the term and wishes to take leave of more than five working days, the Hooksett School District may require the teacher to remain on leave until the end of the term.

Health and Other Insurance Benefits

During family/medical leave, an employee's health insurance will continue on the same basis as when the employee was on active status. If this requires employee contribution for health insurance, the employee must make timely premium payments in order to maintain insurance for himself/herself and dependents. If an employee does not return from family/medical leave, the Hooksett School District is entitled to collect all health premiums paid during the family/medical leave from the employee.

It may be necessary for the employee to continue other benefits as well, such as disability or life insurance, in order to be entitled to the same coverage upon return from leave. Employees will be required to pay premiums for any coverage which must be continued during the leave.

Notice of Leave

Employees seeking leave must provide, to the extent practicable, 30 days notice that they intend to take family/medical leave. If an employee does not provide at least 30 days notice, an explanation must be provided as to why less notice was given. The Hooksett School District may either permit the employee to begin the leave as requested or require him/her to wait 30 days until after notice was provided to begin leave.

Forms for notifying the Hooksett School District of the need for leave are available from the Superintendent's office.

**Certification of Need for Leave**

Each employee requesting family/medical leave on account of a medical condition of the employee, spouse, child or parent must provide certification from a health care provider which sets forth:

1. The date the serious health condition commenced and the health care provider's best medical judgment concerning the probable duration of the condition;
2. Diagnosis of the serious health condition;
3. A brief statement of the regimen of treatment prescribed for the condition by the health care provider;
4. Indication of whether in-patient hospitalization is required;
5. A statement of whether the employee is unable to perform his/her job because of the health condition or is needed to care for the spouse, child or parent with the condition; and
6. If intermittent or reduced-leave schedules are requested, the dates of expected medical treatment and the duration of such treatment.

Medical certification must be provided within 15 days after the request for leave is made. Employees who do not provide this information in a timely manner may be denied leave.

**Reinstatement**

At the beginning of the family/medical leave, the employee is to inform the Superintendent of his/her expected return date. Except as otherwise provided by law, employees will be returned to the same or an equivalent position to the position occupied before the leave begins. An equivalent position is one that is similar in terms of pay, benefits and terms and conditions of employment. Under certain conditions a "key employee" may not be reinstated to the same or a similar position.

If the employee takes leave on account of his/her serious medical condition, he/she will be required to present a medical certification of his/her fitness for duty before being permitted to return. If an employee fails to provide this certification within 50 days after the conclusion of the leave, the employee may be terminated.

Adopted: November 15, 2005

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