

# Policies

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## Westerly Public Schools Family Medical Leave Act

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Consistent with Chapter 28-48 of the Rhode Island General Laws and the Code of Federal Regulations of the U.S. Department of Labor, the following defines the Family Medical Leave Act Policy for Westerly Public Schools:

### 1. Parental leave and family leave requirements

(a) Every employee who has been employed by Westerly Public Schools for twelve (12) consecutive months is entitled, upon thirty (30) days advance notice to his or her employer, to thirteen (13) consecutive weeks of parental leave or family leave in any two (2) calendar years. Utilizing the attached form, the employee shall give at least thirty (30) days notice of the intended date upon which parental leave or family leave shall commence and terminate, unless prevented by medical emergency from giving the notice. Parental or family leave is for any one or more of the following reasons:

- (1) The birth of the employee's son or daughter, and to care for the newborn child;
- (2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
- (3) To care for the employee's spouse, son, daughter, or parent with a serious health condition; and,
- (4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

(b) Parental leave or family leave granted pursuant to subsection (a) may consist of unpaid leave. Westerly Public Schools does not provide paid parental leave or family leave; however, based on current contracts employees may substitute sick, personal, vacation, or sick leave from the appropriate sick leave pool for unpaid parental or family leave, not to exceed thirteen (13) consecutive weeks. If sick, personal, vacation, or sick leave from the appropriate sick leave pool is less than thirteen (13) consecutive weeks, the additional weeks of leave granted to attain the total of thirteen (13) weeks required by subsection (a) will be unpaid.

(c) For school year employees, school vacations one week or more in length do not count against the employee's FMLA leave entitlement. Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement.

### 2. Maintenance of Health Benefits

Westerly Public Schools is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. When applicable, arrangements will be made for employees to continue to pay their share of health insurance premiums while on leave. Westerly Public Schools may recover

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premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

### 3. Job Restoration

Upon return from FMLA leave, an employee will be restored to the employee's original position or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

In addition, the employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

### 4. Notice and Certification

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable by submitting a request, in writing, to the Superintendent accompanied by a completed FMLA Employer Response form, attachment 1.

Westerly Public Schools may require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- Second or third medical opinions (at the expense of WPS) and periodic recertification; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work.

The FMLA Leave Policy of Westerly Public Schools does not supersede any federal, state or local law, which provides greater family or medical leave protection. Nor does it affect the obligation of Westerly Public Schools to provide greater leave rights under a collective bargaining agreement or employment benefit plan.

Adopted: April 21, 2004

Revised: January 3, 2007