

## 410 Family and Medical Leave Policy

Adopted: March 2005

Revised: 4/2009, 8/2013, 12/20/2022

Last review:

### 1 Purpose

2 The purpose of this policy is to provide for family and medical leave to Minnesota Online High School  
3 (MNOHS) employees in accordance with the Family and Medical Leave Act and also with parenting  
4 leave under state law.

### 5 Policy

- 6 A. The provisions of this policy are intended to comply with applicable law, including the Family  
7 and Medical Leave Act of 1993 (“FMLA”) and applicable regulations. Any terms used from the  
8 FMLA will have the same meaning as defined by that Act and/or applicable regulations. To the  
9 extent that this policy is ambiguous or contradicts applicable law, the language of the applicable  
10 law will prevail.
- 11 B. Twelve-week Leave
- 12 1. Regular full-time and part-time employees who have been employed by MNOHS for at  
13 least 12 months and have worked at least 1,250 hours during the 12-month period immediately  
14 preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid  
15 family or medical leave during the applicable 12-month period as defined below, plus any  
16 additional leave as required by law. Leave may be taken for one or more of the following reasons  
17 in accordance with applicable law:
- 18 a. birth of the employee’s child;
  - 19 b. placement of an adopted or foster child with the employee;
  - 20 c. to care for the employee’s spouse, registered domestic partner, child , or parent  
21 with a serious health condition;
  - 22 d. the employee’s serious health condition makes the employee unable to perform the  
23 functions of the employee’s job; and/or
  - 24 e. prenatal care, or incapacity due to pregnancy, childbirth, or related health  
25 conditions.

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- 26           2.       For the purposes of this policy, “year” is defined as a rolling 12-month period measured  
27           backward from the date an employee uses any leave.
- 28           3.       In no event shall this leave extend beyond the end of the employee's annual employment  
29           agreement unless the employment agreement is renewed.
- 30           4.       A “serious health condition” typically requires either inpatient care or continuing  
31           treatment by or under the supervision of a health care provider, as defined by applicable law.  
32           Family and medical leave generally is not intended to cover short term conditions for which  
33           treatment and recovery are very brief.
- 34           5.       Eligible spouses or registered domestic partners employed by MNOHS are limited to a  
35           total of twelve weeks of leave during any 12-month period for the birth or adoption of a child, the  
36           placement of a child for foster care or to care for a parent. This limitation for spouses or  
37           registered domestic partners employed by MNOHS does not apply to leave taken by one spouse  
38           or registered domestic partner to care for the other spouse or registered domestic partner who is  
39           seriously ill, to care for a child with a serious health condition, or because of the employee’s own  
40           serious health condition.
- 41           6.       Depending on the type of leave, intermittent or reduced schedule leave may be granted in  
42           the discretion of MNOHS or when medically necessary. However, part-time employees are only  
43           eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis,  
44           based on their average hours worked per week. Where an intermittent or reduced schedule leave  
45           is foreseeable based on planned medical treatment, MNOHS may transfer the employee  
46           temporarily to an available alternative position for which the employee is qualified and which  
47           better accommodates recurring periods of leave than does the employee’s regular position, and  
48           which has equivalent pay and benefits.
- 49           7.       If an employee requests a leave for the serious health condition of the employee or the  
50           employee’s spouse or registered domestic partner, child or parent, the employee will be required  
51           to submit sufficient medical certification. In such a case, the employee must submit the medical  
52           certification within 15 days from the date of the request or as soon as practicable under the  
53           circumstances.
- 54           8.       If MNOHS has reason to doubt the validity of a health care provider’s certification, it may  
55           require a second opinion at MNOHS’s expense. If the opinions of the first and second health care  
56           providers differ, MNOHS may require certification from a third health care provider at MNOHS’s  
57           expense. An employee may also be required to present a certification from a health care provider  
58           indicating that the employee is able to return to work.

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59 9. During the period of a leave permitted under this policy (which does not exceed a total of  
60 12 work weeks in the applicable 12 month period), MNOHS will provide health insurance under  
61 its group health plan under the same conditions coverage would have been provided had the  
62 employee not taken the leave. The employee will be responsible for payment of the employee  
63 contribution to continue group health insurance coverage during the leave. An employee's failure  
64 to make necessary and timely contributions may result in termination of coverage.

65 10. MNOHS may require the employee to substitute accrued paid leave for any part of the 12-  
66 week period. Employees may be allowed to substitute paid leave for unpaid leave accrued  
67 according to their annual employment letters.

68 11. Employees returning from a leave permitted under this policy (which does not exceed a  
69 total of 12 work weeks in the applicable 12 month period) are eligible for reinstatement in the  
70 same or an equivalent position as provided by law. However, the employee has no greater right to  
71 reinstatement or to other benefits and conditions of employment than if the employee had been  
72 continuously employed during the leave.

73 12. An employee who does not return to work after leave may, in some situations, be required  
74 to reimburse MNOHS for the cost of the health plan premiums paid by it.

### 75 C. Six-week Leave

76 1. An employee who does not qualify for leave under Paragraph B above may qualify for a six-  
77 week unpaid parenting leave for birth or adoption of a child. The employee may qualify if they  
78 have worked for MNOHS for at least 12 consecutive months and have worked an average number  
79 of hours per week equal to one-half of the full time equivalent. This leave is separate and  
80 exclusive of the family and medical leave described in the preceding paragraphs.

### 81 D. Military Leave

82 1. Family medical leave under this policy may be taken by MNOHS employees:

83 a. Due to a "qualifying exigency" for the spouse, registered domestic partner, children, or  
84 parents of individuals who are on, or are about to be on, "covered active duty"

85 (1) A "qualifying exigency" includes attending certain military events, arranging  
86 for alternative child care, addressing certain financial and legal arrangements,  
87 attending certain counseling sessions, and attending post-deployment

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88 reintegration briefings as defined in applicable Department of Labor  
89 regulations

90 (2) “Covered active duty” means members of either the regular or reserve  
91 components of the Armed Forces who have been deployed to a foreign  
92 country.

93 b. To provide care for a “covered service member” with a serious injury or illness  
94 incurred or exacerbated in the line of duty while on active duty (employees eligible to  
95 take military caregiver leave include the spouse, registered domestic partner, children,  
96 parents and next of kin of military personnel).

## 97 Special Rules For Instructional Employees

98 A. An instructional employee is one whose principal function is to teach and instruct students in a  
99 class, a small group, or an individual setting. This includes, but is not limited to, teachers,  
100 advisory teachers, coaches, , and special education assistants.

101 B. Instructional employees who request foreseeable medically necessary intermittent or reduced  
102 work schedule leave greater than twenty percent of the work days in the leave period may be  
103 required to:

104 1. take leave for the entire period or periods of the planned medical treatment; or

105 2. move to an available alternative position for which the employee is qualified, and which  
106 provides equivalent pay and benefits, but not necessarily equivalent duties.

107 C. Instructional employees who request continuous leave near the end of a quarter may be required  
108 to extend the leave through the end of the quarter. The number of weeks remaining before the end  
109 of a quarter does not include scheduled school breaks, such as summer, winter, or spring break.

110 1. If an instructional employee begins leave for any purpose more than five weeks before the  
111 end of a quarter and it is likely the leave will last at least three weeks, MNOHS may require that  
112 the leave be continued until the end of the quarter.

113 2. If the employee begins leave for a purpose other than the employee’s own serious health  
114 condition during the last five weeks of a quarter, MNOHS may require that the leave be continued  
115 until the end of the quarter if the leave will last more than two weeks or if the employee’s return  
116 from leave would occur during the last two weeks of the quarter.

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117 3. If the employee begins leave for a purpose other than the employee's own serious health  
118 condition during the last three weeks of the quarter and the leave will last more than five working  
119 days, school district may require the employee to continue taking leave until the end of the  
120 quarter.

121 D. The entire period of leave taken under the special rules will be counted as leave. MNOHS will  
122 continue to fulfill MNOHS's leave responsibilities and obligations, including the obligation to  
123 continue the employee's health insurance and other benefits, if an instructional employee's leave  
124 entitlement ends before the involuntary leave period expires.

### 125 Requesting Leave

126 A. Requests for leave shall be made to the Executive Director. Employees must give 30 days' written  
127 notice of a leave of absence where practicable. Employees are expected to make a reasonable effort  
128 to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations  
129 of MNOHS, subject to and in coordination with the health care provider.

130 B. An Executive Director request for leave shall be made to the Board of Directors in accordance with  
131 the guidelines in the above paragraph.

132 C. While on leave, employees may be required to periodically report to MNOHS regarding the status of  
133 their intent to return to work.

### 134 Dissemination Of Policy

135 A. MNOHS fully complies with the provisions of the FMLA. Accordingly, any employee who has  
136 questions regarding this policy is encouraged to contact the Executive Director. Further  
137 information on employee rights and remedies under the FMLA can be located in the employee  
138 handbook or the US Department of Labor's website

139 B. This policy will be reviewed periodically for compliance with state and federal law.

140 **Legal References:** Minn. Stat. §§ 181.940-181.944 (Parenting Leave)

141 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)

142 29 C.F.R. Part 825