

NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION
FAMILY AND MEDICAL LEAVE POLICY

Policy

Consistent with the Family and Medical Leave Act of 1993, and recognizing the importance of families, it is the intent of the Department of Public Instruction to offer Family and Medical Leave in accordance with the North Carolina Office of State Personnel policy guidelines (see North Carolina Personnel Manual, Section 5, pages 11-27.011).

Eligibility

1. An employee (permanent, probationary, trainee, and time-limited) who has been employed with State government for at least 12 months and who has been in pay status at least 1040 hours (half time) during the previous 12-month period is entitled to a total of twelve workweeks leave, paid or unpaid, during any 12-month period for one or more of the following reasons:

- a. For the birth of a child and to care for the child after birth, provided the leave is taken within a twelve-month period following the birth (or before the birth of the child for prenatal care or if her condition makes her unable to work);
- b. For the employee to care for a child placed with the employee for adoption or foster care, provided the leave is taken within a twelve-month period following adoption (or before placement of adoption of a child if an absence is required for the placement for adoption or foster care to proceed);
- c. For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition;
- d. Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position; or
- e. Because of any "qualifying exigency" arising out of the fact that the employee's spouse, or a son, daughter, or parent is a member of the National Guard or Reserves and is on active federal duty (or has been notified of an impending call or order to active federal duty) in support of a contingency operation.

2. An employee (permanent, probationary, trainee, and time-limited) who has been employed with State government for at least 12 months and who has been in pay status at least 1040 hours (half time) during the previous 12-month period is entitled to a total of 26 workweeks leave, paid or unpaid, during any 12-month period for the following reason:

- a. Employee who is the spouse, son, daughter, parent, or next of kin of a service member of the Armed Forces, including the National Guard or Reserves, who is caring for the covered service member who has a serious injury or illness incurred in the line of duty on active federal duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status; or on the temporary disabled retired list.
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During the 12-month period, an eligible employee shall only be entitled to a combined total of 26 weeks of leave under 1 and 2 above.

**Employment
and Benefit
Protection**

This policy offers employment and benefit protection.

1. The employee shall be **reinstated** to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during periods of paid leave; however, no benefits accrue during any period of leave without pay.

*Exception: FMLA benefits cease upon separation due to Reduction In Force

2. The State shall maintain coverage for the employee under the State's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. Any share of health plan premiums which an employee paid prior to leave must continue to be paid by the employee during the leave period. The agency must give advance written notice to employees of the terms for payment of premiums during FMLA leave. (The agency may recover the premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.)
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Procedures

1. An employee wishing to apply for Family and Medical Leave shall complete the DPI Application for Family and Medical Leave and submit it along with the appropriate certification to the Human Resources Director.
 2. Certification of leave for the adoption of a child may be supported by reasonable proof of adoption. Certification of leave taken for the birth of a child, illness of employee's spouse, child, or parent, or an employee illness shall be in the form of a physician's statement indicating the date of onset and medical condition requiring leave and must be mailed directly from the physician to the Human Resources Director.
 3. For the birth or adoption of a child, the employee shall make application to the agency no less than thirty days prior to the date of the birth or adoption. If practicable, an application for planned medical treatments must also be submitted thirty days prior. In all other instances, the employee shall submit an application as soon as possible.
 4. Certification of leave for qualifying exigencies shall require a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered member is on active federal duty (or has been notified of an impending call or order to active federal duty) in support of a contingency operation, and the dates of the covered military member's active federal duty service. Other information related to the leave for a specific qualifying exigency such as an explanation of the type of exigency, date the exigency will begin, beginning and end dates for a
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qualifying exigency that last for a continuous period of time, an estimate of the duration and frequency for an exigency on a intermittent or reduced schedule, and contact information and the purpose of meetings with third parties for a qualifying exigency may be required.

5. Certification for Military Caregiver Leave shall require certification by a health care provider of the covered service member or documentation from an authorized Department of Defense representative.
6. When an application is received, the Human Resources Director will ensure that the employee qualifies for the program and will approve or disapprove the request.
7. Each employee submitting an application will be notified of their approval or disapproval for Family and Medical Leave.

**Confidential-
ity of
Information**

Medical information is strictly confidential and is subject to the provisions of the Privacy Act.

Violations

A violation of or denial of leave requested pursuant to the Family and Medical Leave Act of 1993 and this policy is a grievable issue. Affected employees must follow the procedures provided in the department's Internal Grievance Policy.
