

Emmetsburg CSD
Policy Committee Meeting
March 17, 2025
7:00 a.m.
Superintendents Conference Room



Policy Committee Meeting

- I. Call to order
 - A. Attendance (members present)
 - Cory Jenness, Superintendent
 - Morgan Grimm, Board Member
 - Bill Huberty, Board Member
 - Lori Riley, Board Member
- II. Policy Review
 - A. Policy 412.1: Classified Employee Compensation
 - B. Policy 412.2: Classified Employee Wage and Overtime Compensation
 - C. Policy 412.3: Classified Employee Group Insurance Benefits
 - D. Policy 412.4: Classified Employee Tax Shelter Program
 - E. Policy 413.1: Classified Employee Resignation
 - F. Policy 413.2: Classified Employee Retirement
 - G. Policy 413.3: Classified Employee Suspension
 - H. Policy 413.4: Classified Employee Dismissal
 - I. Policy 413.5: Classified Employee Reduction in Force
 - J. Policy 414.1: Classified Employee Professional Purposes Leave
- III. Adjournment

412.1 CLASSIFIED EMPLOYEE COMPENSATION

The board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It shall be the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of classified employees.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (1999).

Cross Reference:411.3 Classified Employee Contracts

412.2 Classified Employee Wage and Overtime Compensation

Approved 1/22/01 Reviewed 7/17/24 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:28

412.2 CLASSIFIED EMPLOYEE WAGE AND OVERTIME COMPENSATION

Each non-exempt employee compensated on an hour-by-hour basis, whether full-or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee must work more than forty hours in a given work week, the employee shall be compensated at one and one-half times their regular hourly wage rate. This compensation shall be in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent.

Each non-exempt employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action.

It is the responsibility of the board secretary to maintain wage records.

Legal Reference: Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985).

29 U.S.C. §§ 206 et seq. (1994).

29 C.F.R. Pt. 511-800 (1999).

Cross Reference:411.3 Classified Employee Contracts

412.1 Classified Employee Compensation

Approved 1/22/01 Reviewed 4/15/2020 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:29

412.3 CLASSIFIED EMPLOYEE GROUP INSURANCE BENEFITS

Policy 412.3 CLASSIFIED EMPLOYEE GROUP BENEFITS - Option I

(For districts that employ an average of at least 50 full-time employees, including an equivalent for part-time employees)

Classified employees may be eligible for group benefits as determined by the board and required by law. The board will select the group benefit program(s) and the insurance company or third party administrator which will provide or administer the program.

In accordance with the Patient Protection and Affordable Care Act (ACA), the board will offer classified employees, who are expected to work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, with minimum essential coverage that is both affordable and provides minimum value. The board will utilize the applicable measurement period to determine whether variable hourly employees qualify for an offer of insurance coverage under the district's group health plan. The board will have the authority and right to change or eliminate group benefit programs, other than the group health plan, for its licensed employees.

Classified employees, who work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, are eligible to participate in the group health plan. Classified employees who work 30 per week are eligible to participate in vision, dental, cafeteria, voluntary life, AFLAC group insurance plans. Employers should maintain documents regarding eligible employees acceptance and rejection of coverage.

Regular part-time classified employees (i.e., employees who work less than 30 hours per week or 130 hours per month for health benefit purposes or employees who work less than 30 per week for benefits other than health) who wish to purchase coverage may participate in group benefit programs by meeting the requirements of the applicable plan. Full-time and regular part-time classified employees who wish to purchase coverage for their spouse or dependents may do so by meeting the requirements of the applicable plan.

Classified employees and their spouse and dependents may be allowed to continue coverage of the school district's group health insurance program if they cease employment with the school district by meeting the requirements of the insurer.

NOTE: Beginning on January 1, 2015, school districts that employ an average of at least 50 full-time employees (including an equivalent for part-time employees), are required to offer health coverage to full-time employees (and their dependents) or pay a penalty tax under the ACA Employer Mandate. Districts with 50-99 full-time employees (including an equivalent for part-time employees) may have until their 2016 plan year before compliance is required, if certain conditions are satisfied. Option I assumes a school district employs at least 50 full-time employees (including an equivalent for part-time employees) and is subject to the ACA's Employer Mandate. Boards can edit Option I to reflect their district's actual coverage (e.g., additional group insurance plans offered by the districts, which may include: life and long-term disability group insurance plans).

NOTE: For a more detailed discussion of this issue, see [IASB's Special Report, A School District's Responsibilities under the Federal Patient Protection and Affordable Care Act \(ACA\)](#), December 2014.

Legal Reference:

[Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B.](#)

Internal Revenue Code § 4980H(c)(4); Treas. Reg. § 54.4980H-1(a)(21)(ii).

Shared Responsibility for Employers Regarding Health Coverage, [26 CFR Parts 1, 54](#) and [301](#), 78 Fed. Reg. 217, (Jan 2, 2013).

Shared Responsibility for Employers Regarding Health Coverage, [26 CFR Parts 1, 54](#) and [301](#), 79 Fed. Reg. 8543 (Feb. 12, 2014).

Cross Reference:

[411.1](#) Classified Employee Defined

Approved 3/11/85

Reviewed 5/20/2020

Revised 11/15/2021

Jen@iowaschool... Sat, 07/27/2019 - 17:30

412.4: Classified Employee Tax Shelter Program

Employees may elect to have amounts withheld from their pay for items authorized by law, subject to agreement of the district. The board may authorize the administration to make a payroll deduction for classified employees' tax-sheltered annuity premiums purchased from a company or program if chosen by the board.

Classified employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent. *[Request for purchase or change of tax-sheltered annuities may be made to the School Business Office]*.

Note: The school district time frame for adding or changing tax-sheltered annuities should be reflected in this policy, if the school district uses one. The time frame should be inserted in the blank in the second paragraph.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with

language contained in other district documents (e.g., handbooks, master contracts, etc.).

413.1 CLASSIFIED EMPLOYEE RESIGNATION

Resignations shall be in writing signed by the resigning party and directed to the Superintendent of Emmetsburg Community Schools and referred by him or her to the Board of Directors with his or her recommendations.

The Board recognizes that there are some circumstances which force an employee to request a release from a contract before the expiration date of the contract; therefore, personnel will be released from their contracts at any time that suitable replacements can be secured.

Each employee under contract is expected to fulfill his or her contractual obligations by notifying the superintendent or his or her designated representative of his or her intention to resign at least thirty days prior to the expected date of termination.

Obligations of employees not on contract – all employees who are not serving under a contractual agreement are expected to give at least two weeks written notice.

~~Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their contract _____ days prior to their last working day.~~

Notice of the intent to resign will be in writing to the superintendent.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.19A; 285.5(9) (1999).

Cross Reference: 411.3 Classified Employee Contracts

413 Classified Employee Termination of Employment

Approved 2/13/78 Reviewed 4/15/2020 Revised 1/22/01

Jen@iowaschool... Sat, 07/27/2019 - 17:31

413.2 CLASSIFIED EMPLOYEE RETIREMENT

Classified employees who will complete their current contract with the board may apply for retirement. No classified employee will be required to retire at any specific age.

Application for retirement will be considered made when the classified employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board if applicable, the employee's intent to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent.

Board action to approve a classified employee's application for retirement shall be final, and such action constitutes termination of the employee's contract effective the day of the employee's retirement.

Classified employees and their spouse and dependents who have group insurance coverage through the school district may be allowed to continue coverage of the school district's group health insurance program, at their own expense, by meeting the requirements of the insurer.

Legal Reference: 29 U.S.C. §§ 621 et seq. (1994).

Iowa Code §§ 91A.2, .3, .5; 97B; 216; 279.19A, .46 (1999).

581 I.A.C. 21.

1978 Op. Att'y Gen. 247.

1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.14 Recognition for Service of Employees

413.3 Classified Employee Early Retirement

Approved 1/22/01 Reviewed 4/15/2020 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:32

413.3 CLASSIFIED EMPLOYEE SUSPENSION

Classified employees shall perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a classified employee with or without pay pending board action on a discharge or during investigation of charges against the employee or for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a classified employee with or without pay.

In the event of a suspension, due process will be followed.

NOTE: This is a mandatory policy.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1987).

McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).

Iowa Code §§ 20.7, .24 (1999).

Cross Reference:404 Employee Conduct and Appearance

413 Classified Employee Termination of Employment

Approved 3/13/78 Reviewed 4/15/2020 Revised 1/22/01

Jen@iowaschool... Sat, 07/27/2019 - 17:33

413.4 CLASSIFIED EMPLOYEE DISMISSAL

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty days notice or immediately for just cause. Due process procedures shall be followed.

It shall be the responsibility of the superintendent to make a recommendation for dismissal to the board. A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Iowa Code §§ 20.7, .24 (1999).

Cross Reference:404 Employee Conduct and Appearance

413.4 Classified Employee Suspension

413.6 Classified Employee Reduction in Force

Approved 1/22/01 Reviewed 4/15/2020 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:33

413.5 CLASSIFIED EMPLOYEE REDUCTION IN FORCE

It is the exclusive power of the board to determine when a reduction in classified employees is necessary. Employees who are terminated due to a reduction in force shall be given thirty days notice. Due process will be followed for terminations due to a reduction in force.

It shall be the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

Legal Reference: Iowa Code §§ 20.7, .24 (1999).

Cross Reference: 407.6 Licensed Employee Reduction in Force

413.4 Classified Employee Suspension

413.5 Classified Employee Dismissal

703 Budget

Approved 1/22/01 Reviewed 4/15/2020 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:34

414: Classified Employee Professional Purpose Leave

Professional purposes leave may be granted to classified employees for the purpose of attending meetings and conferences directly related to their assignments. Application for the leave must be presented to the superintendent 5 days prior to the meeting or conference.

It is within the discretion of the superintendent to grant professional purposes leave. The leave may be denied on the day before or after a vacation or holiday, on special days when services are needed, when it would cause undue interruption of the education program and school district operations, or for other reasons deemed relevant by the superintendent.

[STOP] All of the following policies are listed in employee handbooks.

414.1 CLASSIFIED EMPLOYEE VACATIONS - HOLIDAYS - PERSONAL LEAVE

The board shall determine the amount of vacation, holidays and personal leave that will be allowed on an annual basis for classified employees.

Classified employees who work twelve months a year will be allowed six paid holidays, if the holidays fall on a regular working day. The six holidays shall be New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day.

Classified employees will be paid only for the hours they would have been scheduled for the day. Vacation shall not be accrued from year to year without a prior arrangement with the superintendent.

It shall be the responsibility of the superintendent to make a recommendation to the board annually on vacation and personal leave for classified employees.

Legal Reference: Iowa Code §§ 1C.; 4.1(34); 20.9

Cross Reference: 409.1 Licensed Employee Vacations - Holidays - Personal Leave

601.1 School Calendar

Approved 1/25/71 Reviewed 5/20/2020 Revised 8-16-17

Jen@iowaschool... Sat, 07/27/2019 - 17:35

414.2 CLASSIFIED EMPLOYEE PERSONAL ILLNESS LEAVE

Non-certified personnel in the Emmetsburg Community School District shall be granted leave of absence for personal illness or injury with full pay at the rate of:

The first year of employment	14 days
The second year of employment	11 days
The third year of employment	12 days
The fourth year of employment	13 days
The fifth year of employment	14 days
The sixth year of employment	15 days

The above amounts shall apply only to consecutive years of employment in the same school district and unused portions shall be cumulative to at least a total of 130 days. The

school board shall, in each instance, require such reasonable evidence, as it may desire confirming the necessity for such leave of absence.

An employee who is unable to work because of personal illness or disability and who has exhausted all sick leave available shall be granted a leave of absence without pay or benefits for the duration of such illness or disability through the end of the school year.

Legal Reference: Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).

26 U.S.C. §§ 2601 et seq. (Supp. 1994)

29 C.F.R. Pt. 825 (1999).

Iowa Code §§ 20; 85.33, .34, .38(3); 279.40 (1999).

1980 Op. Att'y Gen. 605.

1972 Op. Att'y Gen. 177, 353.

1952 Op. Att'y Gen. 91.

Cross Reference: 403.2 Employee Injury on the Job

414.3 Classified Employee Family and Medical Leave

414.9 Classified Employee Unpaid Leave

Approved 2/13/78 Reviewed 5/20/2020 Revised 1/22/01

Jen@iowaschool... Sat, 07/27/2019 - 17:36

414.3 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as fiscal year. Requests for family and medical leave shall be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It shall be the responsibility of the superintendent to develop administrative rules to implement this policy.

Legal Reference: Whitney v. Rural Ind. School. District, 232 Iowa 61, 4 N.W.2d 394 (1942).

26 U.S.C. §§ 2601 et seq. (Supp. 1994)

29 C.F.R. Pt. 825 (1999).

Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (1999).

1980 Op. Att'y Gen. 605.

1972 Op. Att'y Gen. 177, 353.

1952 Op. Att'y Gen. 91.

Cross Reference: 409.3 Licensed Employee Family and Medical Leave

414.2 Classified Employee Personal Illness Leave

414.9 Classified Employee Unpaid Leave

Approved 1/22/01 Reviewed 5/20/2020 Revised 5/20/2020

Jen@iowaschool... Sat, 07/27/2019 - 17:37

414.3E1 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

(FORM ATTACHED)

Jen@iowaschool... Sat, 07/27/2019 - 17:38

File Attachments

[414.3E1.pdf](#)

414.3E2 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

414.3E2 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date:

I, _____, request family and medical leave for the following reason:

(check all that apply)

_____ for the birth of my child;
_____ for the placement of a child for adoption or foster care;
_____ to care for my child who has a serious health condition;
_____ to care for my parent who has a serious health condition;
_____ to care for my spouse who has a serious health condition; or
_____ because I am seriously ill and unable to perform the essential functions of my position.

_____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

_____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on _____ and I request leave as follows: (check one)

_____ continuous

I anticipate that I will be able to return to work on _____.

_____ Intermittent leave for the:

_____ birth of my child or adoption or foster care placement subject to agreement by the district;

_____ serious health condition of myself, spouse, parent, or child when medically necessary;

_____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

_____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

Details of the needed intermittent
leave:

I anticipate returning to work at my regular schedule on _____

Code No. 414.3E2

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CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

_____ reduced work schedule for the

_____ birth of my child or adoption or foster care placement subject to agreement by the district;

_____ serious health condition of myself, spouse, parent, or child when medically necessary;

_____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

_____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

I anticipate returning to work at my regular schedule on _____

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from moneys owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal

check or cash for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signe
d

Date

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

Approved 1/22/01

Reviewed 5/20/2020

Revised 5/20/2020

Jen@iowaschool... Sat, 07/27/2019 - 17:40

414.3E3 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

414.3E3 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION
FORM

(FORM ATTACHED)

Jen@iowaschool... Sat, 07/27/2019 - 17:41

File Attachments

[414.3E3.pdf](#)

414.3E4 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK SHEET

414.3E4 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORK
SHEET

(FORM ATTACHED)

Jen@iowaschool... Sat, 07/27/2019 - 17:41

File Attachments

[414.3E4.pdf](#)

414.3R1 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

414.3R1 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

1. The school district will post the notice in Exhibit 409.3E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the [employee handbook].
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:

a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement;

b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so;

c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and

d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;

2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and

3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

If the employee requesting leave is unable to meet the above criteria, then the employee is not eligible for family and medical leave.

C. Employee requesting leave -- two types of leave.

1. Foreseeable family and medical leave.

a. Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.

b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.

c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.

2. Unforeseeable family and medical leave.

a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.

b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.

c. A spouse or family member may give the notice if the employee is unable to personally give notice.

D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.

1. Four purposes.

a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;

b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;

c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or

d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.

e. because of a qualifying exigency arising out of the fact that an employee's ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

f. because the employee is the spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.

2. Medical certification.

a. When required:

(1) Employees may be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.

(2) Employees may be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

b. Employee's medical certification responsibilities:

(1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.

(2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.

(3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.

c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification shall be denied until such certification is provided.

d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year.

2. Year is defined as:

Fiscal year

3. If insufficient leave is available, the school district may:

a. Deny the leave if entitlement is exhausted

b. Award leave available

c. Award leave in accordance with other provisions of board policy or the collective bargaining agreement.

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.

2. Intermittent - employee requests family and medical leave for separate periods of time.

a. Intermittent leave is available for:

(1) Birth, adoption or foster care placement of child only with the school district's agreement.

(2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.

____ because of a qualifying exigency arising out of the fact that my ____ spouse; ____ son or daughter; ____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;

____ because I am the ____ spouse; ____ son or daughter; ____ parent; ____ next of kin of a covered service member with a serious injury or illness.

b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.

c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.

a. Reduced work schedule family and medical leave is available for:

(1) Birth, adoption or foster care placement and subject to the school district's agreement.

(2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.

____ because of a qualifying exigency arising out of the fact that my ____ spouse; ____ son or daughter; ____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;

____ because I am the ____ spouse; ____ son or daughter; ____ parent; ____ next of kin of a covered service member with a serious injury or illness.

b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.

c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

G. Special Rules for Instructional Employees.

1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.

2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:

a. Take leave for the entire period or periods of the planned medical treatment; or

b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.

3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester do not include scheduled school breaks, such as summer, winter or spring break.

a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.

b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.

c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.

4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

H. Employee responsibilities while on family and medical leave.

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.

2. The employee contribution payments will be deducted from any money owed to the employee or the employee shall reimburse the school district at a time set by the superintendent.

3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.

4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.

5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.

6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

I. Use of paid leave for family and medical leave.

An employee may substitute unpaid family and medical leave with any paid leave available to the employee under board policy, individual contracts or the collective bargaining agreement. Paid leave includes, but is not limited to, sick leave, family illness leave, vacation, personal leave, bereavement leave and professional leave. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

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414.3R2 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

414.3R2 CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Active Duty - duty under a call or order to active duty under a provision of law referring to in [section 101\(a\)\(13\) of title 10, U.S. Code](#).

Common law marriage-according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public

declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

Continuing treatment-a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:

-- treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or

-- treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a the health care provider.

Any period of incapacity due to pregnancy or for prenatal care.

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

-- requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;

-- Continues over an extended period of time (including recurring episodes of a single underlying condition); and

-- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.

Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or

treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Covered Service member - a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Eligible Employee-the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job-those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment benefits-all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

Family Member-individuals who meet the definition of son, daughter, spouse or parent.

Group health plan-any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health care provider-

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or

Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and

Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and

Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;

Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;

A health care provider as defined above who practices in a country other than the United States who is CLASSIFIED to practice in accordance with the laws and regulations of that country.

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary-certification for medical necessity is the same as certification for serious health condition.

"Needed to Care For"-the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious health condition

An illness, injury, impairment, or physical or mental condition that involves

--Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or

-- Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:

-- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:

-- Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a healthcare provider; or

-- Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

--Any period of incapacity due to pregnancy or for prenatal care.

--Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

--Requires periodic visits for treatment by a healthcare provider or by a nurse or physician's assistant under direct supervision of a healthcare provider;

--Continues over an extended period of time (including recurring episodes of a single underlying condition); and

--May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

--A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.

--Any period of absence to receive multiple treatments (including any period of recovery from)

by a healthcare provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis). definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a healthcare provider or by a provider of health care on referral by a healthcare

provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Iowa law including common law marriages.

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414.4 CLASSIFIED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a classified employee's immediate family, bereavement leave may be granted. Bereavement leave granted may be for a maximum of ten days, with "day" being defined as one work day regardless of full-time or part-time status of the employee, per occurrence, for the death of a member of the immediate family. The immediate family includes child, spouse, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent of the employee, grand children, stepmother, step father, aunt, uncle, nephew, niece, spouses grandparents, and any other member of the immediate household.

A maximum of one day of bereavement leave per year will be granted for the death of a close friend or other relative not listed above.

It shall be within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

Legal Reference: Iowa Code §§ 20.9; 279.8 2013

Cross Reference:414

Classified Employee Vacations and Leaves of Absence

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414.5 CLASSIFIED EMPLOYEE POLITICAL LEAVE

The board will provide a leave of absence to classified employees to run for elective public office. The superintendent shall grant a classified employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The classified employee will be entitled to one period of leave to run for the elective public office, and the leave may commence any time within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent at least thirty days prior to the starting date of the requested leave.

Legal Reference: Iowa Code ch. 55 (1999).

Cross Reference: 401.15 Employee Political Activity

414 Classified Employee Vacations and Leaves of Absence

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414.6 CLASSIFIED EMPLOYEE JURY DUTY LEAVE

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service shall notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees will receive their regular salary. Any payment for jury duty shall be turned over to the school district.

Legal Reference: Iowa Code §§ 20.9; 607A (1999).

Cross Reference:414 Classified Employee Vacations and Leaves of Absence

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414.7 CLASSIFIED EMPLOYEE MILITARY SERVICE LEAVE

The board recognizes classified employees may be called to participate in the armed forces, including the national guard. If a classified employee is called to serve in the armed forces, the employee shall have a leave of absence for military service until the military service is completed.

The leave shall be without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

Legal Reference: Bewley v. Villisca Community School District, 299 N.W. 2d 904 (Iowa 1980).

Iowa Code §§ 20; 29A.28 (1999).

Cross Reference:414 Classified Employee Vacations and Leaves of Absence

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414.8 CLASSIFIED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an absence not provided for in other leave policies. Unpaid leave for classified employees must be authorized by the superintendent. Whenever possible, classified employees shall make a written request for unpaid leave ten days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary shall be made unless they are waived specifically by the superintendent.

The superintendent shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent shall consider the effect of the employee's absence on the education program and school district operations, the financial condition of the school district, length of service, previous record of absence, the reason for

the requested absence and other factors the superintendent believes are relevant in making this determination.

If unpaid leave is granted, the duration of the leave period shall be coordinated with the scheduling of the education program whenever possible, to minimize the disruption of the education program and school district operations.

Legal Reference: Iowa Code §§ 20.9; 279.8 (1999).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

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414.9 CLASSIFIED EMPLOYEE PROFESSIONAL PURPOSES LEAVE

Professional purposes leave may be granted to classified employees for the purpose of attending meetings and conferences directly related to their assignments. Application for the leave must be presented to the employee's supervisor 14 days prior to the meeting or conference, the superintendent may grant exceptions to the 14 day filing period.

It shall be within the discretion of the superintendent or principal to grant professional purposes leave. The leave may be denied on the day before or after a vacation or holiday, on special days when services are needed, when it would cause undue interruption of the education program and school district operations, or for other reasons deemed relevant by the superintendent.

Legal Reference: Iowa Code § 279.8 (1999).

281 I.A.C. 12.7.

Cross Reference: 411 Classified Employees - General

408.1 Classified Employee Professional Development

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