

Emmetsburg CSD  
Policy Committee Meeting  
January 3, 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 409.1: Employee Vacation-Holidays
  - B. Policy 409.2: Employee Leaves of Absence
  - C. Policy 409.3: Employee Family and Medical Leave
  - D. Regulation 409.3-R(1): Employee Family and Medical Leave-Regulation
  - E. Regulation 409.3-R(2): Employee Family and Medical Leave-Definitions
  - F. Exhibit 409.3-E(1): Employee Family and Medical Leave-Notice to Employees
  - G. Exhibit 409.3-E(2): Employee Family and Medical Leave-Request Form
  - H. Policy 410.1: Substitute Teachers
  - I. Policy 410.2: Summer School Licensed Employees
  - J. Policy 410.3: Truancy Officer
  - K. Policy 410.4: Education Associate
- III. Adjournment

**409.1 LICENSED EMPLOYEE VACATION - HOLIDAYS - PERSONAL LEAVE**

Policy 409.1 EMPLOYEE VACATION - HOLIDAYS

Option 1:

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

It is the responsibility of the superintendent to make a recommendation to the board annually on vacations and holidays for employees.

Option 2:

*The board will determine the amount of vacation and holidays that will be allowed on an annual basis for employees.*

*Vacation for full-time regular employees who work [insert number] days a year, unless the employee's individual contract indicates otherwise, will be [insert number] days.*

*The vacation may be taken during the school year provided the vacation will not disrupt the operation of the school district. The employee must submit a vacation request to the superintendent, who will determine whether the request will disrupt the operation of the school district. In the case of the superintendent's request, the board will make the determination.*

*Regular full-time employees who work [insert number] days a year will be allowed [insert number] holidays per year. It is within the discretion of the board to set the holidays annually.*

*Employees who work during the school academic year, whether full-time or part-time, will have time off in concert with the school calendar.*

*It is the responsibility of the superintendent to make a recommendation to the board annually on vacations and holidays for employees.*

Legal Reference:

[Iowa Code §§ 1C; 4.1\(34\); 20.9.](#)

Cross Reference:

[601.1](#) School Calendar

Approved 12/16/2020 Reviewed: 7/17/24 Revised 9-16-2020

Jen@iowaschool... Sun, 07/14/2019 - 19:22

## **409.2 LICENSED EMPLOYEE PERSONAL ILLNESS LEAVE**

The board will offer the following leave to full-time regular licensed employees:

- Personal Illness (Sick) Leave – Leave for medically-related disability or illness

- Family Sick Leave- Leave to care for a sick member of the employee's immediate family (using the personal sick leave balance)
- Bereavement Leave – Leave to mourn the loss of a family member or close friend
- Adoption Leave – Leave for an employee who legally adopts a child
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave- To excuse an involuntary absence not provided for in other leave policies of the board. If the employee uses this leave, they will be responsible for paying the cost of a sub as well as forfeiting a days wage.

The board will offer the following leave to full-time regular classified employees:

- Personal Illness (Sick) Leave – Leave for medically-related disability or illness
- Family Sick Leave – Leave to care for a sick member of the employee's immediate family (using the personal sick leave balance)
- Bereavement Leave – Leave to mourn the loss of a family member or close friend
- Adoption Leave – Leave for an employee who legally adopts a child
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave- To excuse an involuntary absence not provided for in other leave policies of the board. If the employee uses this leave, they will be responsible for paying the cost of a sub as well as forfeiting a days wage.

The provisions of each leave offering will be detailed in the Employee Handbook.

Leave offered by the district will not be less than what is required by law. In the event of an emergency or unforeseen circumstance, the superintendent may authorize additional paid leave.

Legal Reference:

[29 U.S.C. §§ 2601](#) *et seq.*

[Pub.L. 116–127](#)

[29 C.F.R. §§ 825; 826.](#)

[Iowa Code §§ 20; 85; 216; 279.40.](#)

Iowa Code §§ 20; [29A](#); [55](#); [85](#); [216](#); [279.40](#); [607A](#).

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

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

Cross Reference:

[403.2](#) Employee Injury on the Job

[409.3](#) Licensed Employee Family and Medical Leave

409.8 Licensed Employee Unpaid Leave

Approved 12/16/2020 Reviewed 4/21/21 Revised 12/16/2020

Jen@iowaschool... Sun, 07/14/2019 - 19:23

## **409.2E1 EMERGENCY PAID SICK LEAVE REQUEST FORM UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

Code No. 409.2E1

### **EMERGENCY PAID SICK LEAVE REQUEST FORM UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

Name: \_\_\_\_\_

Anticipated Begin Date: \_\_\_\_\_

Expected Return to Work Date: \_\_\_\_\_

**Employee Request for Leave at Full Pay**

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the employee's full regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

I am quarantined pursuant to Federal, State, or local government order.

I am quarantined on the advice of a health care provider due to COVID-19 concerns.

I am experiencing COVID-19 symptoms and seeking a medical diagnosis.

*Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected. If you are experiencing symptoms and seeking a medical diagnosis, please identify your symptoms and the date of your medical appointment.*

### **Employee Request for Leave at 2/3 Pay**

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the 2/3 of the employee's regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

\_\_\_ I need to care for an individual subject to quarantine pursuant to Federal, State, or local government order or advice of a health care provider due to COVID-19. I represent that no other person will be providing care for the individual during the period for which the I am receiving Emergency Paid Sick Leave.

*Please attach the applicable government order or documentation from medical provider*

\_\_\_ I am experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

*Please attach the applicable government order or documentation from medical provider.*

\_\_\_ I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to COVID-19. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving Emergency Paid Sick Leave.

If the age of one or more of the children is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours:

*Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The District reserves the right to request confirmation regarding the nature of the closure or unavailability.*

*If you are requesting 2/3 paid leave in conjunction with Expanded Family Medical Leave to care for a child under the age of 18 affected by school or care closure due to*

COVID-19, please complete the "Expanded Family and Medical Leave Request Form" to submit with this form.

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

Signed \_\_\_\_\_

Date \_\_\_\_\_

*note: This type of emergency paid sick leave is only available through passage of the federal Families First Coronavirus Response Act and will expire on December 31, 2020. After that date, this exhibit should be removed from policy 409.2, as the benefit will no longer be available to employees.*

**APPROVED 8/19/2020**

rmccartan@e-ha... Mon, 07/13/2020 - 14:15

**409.2E2 EXPANDED FAMILY AND MEDICAL LEAVE REQUEST FOR UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

409.2E2 EXPANDED FAMILY AND MEDICAL LEAVE REQUEST FOR UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

Code No. 409.2E2

**EXPANDED FAMILY AND MEDICAL LEAVE REQUEST FOR UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

Name: \_\_\_\_\_

Anticipated Begin Date: \_\_\_\_\_

Expected Return to Work Date: \_\_\_\_\_

Employees may be entitled to expanded family medical leave in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards.

### **Reason for Leave**

Employees satisfying the standards below are eligible for 12 weeks\* of leave. The first two weeks of the leave are unpaid unless the employee selects available options in the next box. The remaining 10 weeks of leave are paid at 2/3 of the employee's regular compensation rate unless other options are selected on this form. Please select the applicable reason and follow the related instructions.

I, \_\_\_\_\_, request family and medical leave because I am unable to work or telework because I need to care for my child(ren) under 18 because my child(ren)'s elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to COVID-19. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving expanded family medical leave benefits.

If the age of one or more of the children is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours:

*Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The District reserves the right to request confirmation regarding the nature of the closure or unavailability.*

*\* An employee who qualifies for and utilizes the Emergency Paid Sick Leave provisions of the FFCRA, is entitled to an additional 10 weeks of Emergency FMLA.*

**Substitution of Paid Leave for the First Ten Days of Expanded Family Medical Leave**

In accordance with the FFCRA, the first ten days of expanded family medical leave is unpaid, however you may be eligible to use Emergency Paid Sick Leave provided through the FFCRA to cover this period at 2/3 of full pay. In the event you have already used Emergency Paid Sick Leave, you are permitted to use available District-provided paid leave to cover this period at full pay. Please indicate if you would like to use paid leave during the first 10 days of your absence and how many hours you plan to use. Requested leave is subject to availability based on confirmation by the School District. If requesting Emergency Paid Sick Leave, please complete and submit an “Emergency Paid Sick Leave Request Form.”

\_\_\_Emergency Sick Leave \_\_\_Sick Leave \_\_\_Personal Leave

**Supplement 2/3 Pay with Accrued District Leave**

Employees may choose to supplement the 2/3 pay provided through expanded family medical leave with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your expanded family medical leave to supplement your 2/3 expanded family medical leave compensation. Requested leave is subject to availability based on confirmation by the District.

\_\_\_Emergency Sick Leave \_\_\_Sick Leave \_\_\_Personal Leave

After completing the first ten days of expanded family medical leave, an employee may choose to take 10 weeks of continuous leave under expanded family medical leave for the reason indicated above. Continuous leave means the employee will not complete any District duties during this period but will be compensated based on the options selected above.

An employee may also choose to take 10 weeks of intermittent leave only with the District's permission. Intermittent leave means an employee will complete some District duties on a modified schedule as approved by the employee's supervisor. When using intermittent leave, the employee will receive full regular pay for hours worked and 2/3 of regular pay during periods on expanded family medical leave unless supplemented in a manner noted above.

I am requesting (choose one):

\_\_\_ continuous leave

\_\_\_ intermittent leave

If your need for leave is intermittent, please describe the requested schedule for your intermittent leave:

---

---

---

---

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

Signed \_\_\_\_\_

Date

---

---

***Note: This type of emergency paid sick leave is only available through passage of the federal Families First Coronavirus Response Act and will expire on December 31, 2020. After that date, this exhibit should be removed from policy 409.2, as the benefit will no longer be available to employees.***

**APPROVED 8/19/2020**

rmccartan@e-ha... Mon, 07/13/2020 - 14:19

**409.3 LICENSED 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, a year is defined as a 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; 216; 279.40

Cross Reference: 409.2 Licensed Employee Personal Illness Leave

409.9 Licensed Employee Unpaid Leave

414.3 Classified Employee Family and Medical Leave

Approved 1/22/01 Reviewed 8-19-2020 Revised 8-16-17

Jen@iowaschool... Sun, 07/14/2019 - 19:23

## **409.3R1 LICENSED 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 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 employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and,
2. The employee has worked at least 1,250 hours during the 12 months immediately before the date FMLA leave is to begin. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement. 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 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.
  - Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
  - 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.
  - 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.
  - Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.

- Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
- 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. Six 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 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 shall 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 shall 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.
3. Employees *[may/shall]* be required to present certification of the call to active duty when taking military family and medical leave.

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 (15) days after family and medical leave begins unless it is impossible 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.

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.

Family and medical leave requested for a 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.

#### E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
2. Year is defined as Fiscal year.
3. If insufficient leave is available, the school district may:
  - Deny the leave if entitlement is exhausted
  - Award leave available

#### 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;

3. 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;
4. 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.
3. 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
4. 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 the 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 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.

Approved 1/22/01

Reviewed 8/19/2020

Revised 8-19-2020

Jen@iowaschool... Sun, 07/14/2019 - 19:30

## **409.3R2 LICENSED 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.

Contingency Operation - has the same meaning given such term in [section 101\(a\)\(13\) of title 10, U.S. Code](#).

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 Servicemember - 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 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 licensed 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.

Next of Kin - an individual's nearest blood relative

Outpatient Status - the status of a member of the Armed Forces assigned to –

- either a military medical treatment facility as an outpatient; or
- a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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 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 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.).
  - 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 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).

- Treatment for purposes of this 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 health care provider or by a provider of health care on referral by a health care 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.

Serious Injury or Illness - an injury or illness incurred by a member of the Armed forces, including the National Guard or Reserves in the line of duty on active duty in the Armed

Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

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.

Approved 1/22/01

Reviewed 8/19/2020

Revised 8/19/2020

Jen@iowaschool... Sun, 07/14/2019 - 19:33

### **409.3E1 LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES**

*(FORM ATTACHED)*

Jen@iowaschool... Sun, 07/14/2019 - 19:24

File Attachments

[409.3E1.pdf](#)

### **409.3E2 LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM**

*(FORM ATTACHED)*

[409.3-E\(2\)](#)

Jen@iowaschool... Sun, 07/14/2019 - 19:25

### **409.3E3 LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM**

*(FORM ATTACHED)*

Jen@iowaschool... Sun, 07/14/2019 - 19:26

File Attachments

[409.3E3.pdf](#)

## **409.3E4 LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST WORKSHEET**

*(FORM ATTACHED)*

Jen@iowaschool... Sun, 07/14/2019 - 19:26

File Attachments

[409.3E1.pdf](#)

## **409.4 LICENSED EMPLOYEE BEREAVEMENT LEAVE - RESCINDED**

In the event of a death of a member of a licensed employee's immediate family, bereavement leave may be granted. Bereavement leave may be granted to a licensed employee for no more than 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.

No more than 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 (1999).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 1/22/01 Reviewed RESCINDED 1-20-2021 Revised 8-17-17

Jen@iowaschool... Wed, 07/31/2019 - 10:18

## **409.5 LICENSED EMPLOYEE POLITICAL LEAVE - RESCINDED**

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

The licensed employee will be entitled to one period of leave to run for the elective public office, and the leave may commence 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 of schools 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

409 Licensed Employee Vacations and Leaves of Absence

Approved 1/22/01 Reviewed RESCINDED 1-20-2021 Revised

Jen@iowaschool... Wed, 07/31/2019 - 10:19

### **409.6 LICENSED EMPLOYEE JURY DUTY LEAVE - RESCINDED**

The board will allow licensed 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.

Licensed employees will receive their regular salary. Any payment for jury duty shall be paid to the school district.

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

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 1/22/01 Reviewed RESCINDED 1-20-2021 Revised

Jen@iowaschool... Wed, 07/31/2019 - 10:20

## **409.7 LICENSED EMPLOYEE MILITARY SERVICE LEAVE - RESCINDED**

The board recognizes licensed employees may be called to participate in the armed forces, including the national guard. If a licensed 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: 409 Licensed Employee Vacations and Leaves of Absence

Approved 1/22/01 Reviewed RESCINDED 1-20-2021 Revised

Jen@iowaschool... Wed, 07/31/2019 - 10:21

## **409.8 LICENSED EMPLOYEE UNPAID LEAVE - RESCINDED**

Unpaid leave may be used to excuse an absence not provided for in other leave policies of the board. Unpaid leave for licensed employees must be authorized 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, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to 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.

Whenever possible, licensed employees shall make a written request for unpaid leave 14 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.

Legal Reference: Iowa Code §§ 20; 85; 85A; 85B; 279.12; 509; 509A; 509B

Cross Reference:409 Licensed Employee Vacations and Leaves of Absence

Approved 1/22/01 Reviewed RESCINDED 1-20-2021 Revised  
8-16-17

Jen@iowaschool... Wed, 07/31/2019 - 10:22

## **410.1 SUBSTITUTE TEACHERS**

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitutes employed for 10 or more consecutive days in the same position shall be paid according to the salary on BA-1 of the salary schedule. Substitute licensed employees are expected to perform the same duties as the licensed employees.

Legal Reference: Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).

Iowa Code §§ 20.1, .4(5), .9; Ch.272.

281 I.A.C. 12.4.

Cross Reference:405.1 Licensed Employee Defined

405.2 Licensed Employee Qualifications, Recruitment, Selection

Approved 1/25/71 Reviewed 2/17/16 Revised 1/22/01

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

## **410.2 SUMMER SCHOOL LICENSED EMPLOYEES**

The Emmetsburg CSD shall offer summer school options in accordance with law and may, ~~it shall be within the discretion of the board to~~ in its discretion offer additional education programs during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program shall be compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

~~Should the board determine a summer education program is necessary,~~ licensed employees shall be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It shall be the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Legal Reference: Iowa Code §§ 279.8; 280.14

Cross Reference: 603.2 Summer School Instruction

Approved 1/22/01 Reviewed 8-16-17 Revised 8-16-17

Jen@iowaschool... Sat, 07/27/2019 - 17:18

### **410.3 TRUANCY OFFICER**

The board shall appoint a licensed employee from each school building to serve as the building's truancy officer.

The principal shall notify the truancy officer when a student is truant. The truancy officer shall investigate the cause of a student's truancy and attempt to ensure the student's attendance. The truancy officer may take the student into custody. A student taken into custody shall be placed in the custody of the principal. The truancy officer shall attempt to contact the student's parents when the student is taken into custody.

***NOTE: School districts are not required to have a truancy officer. School districts that do not have a truancy officer must assign the duties to another individual--for example, the building principals. This policy can be eliminated if there is no truancy officer.***

Legal Reference: Iowa Code §§ 299.10-.11, .15 (1999).

Cross Reference: 501.10 Truancy - Unexcused Absences

Approved 1/22/01 Reviewed 2/17/16 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:19

## **410.4 PARAEDUCATORS**

The board may employ paraeducators or other instructional support personnel to assist licensed personnel in nonteaching duties, including, but not limited to:

- managing and maintaining records, materials and equipment;
- attending to the physical needs of children; and
- performing other limited services to support teaching duties when such duties are determined and directed by the teacher.

Education associates who hold a teaching certificate are compensated at the rate of pay established for their position as an education associate. It shall be the responsibility of the principal to supervise paraeducators and other instructional support personnel.

Legal Reference: Iowa Code §§ 279.8; 280.3, .14 (1999).

281 I.A.C. 12.4(9); .5(9).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved 1/22/01 Reviewed 2/17/16 Revised

Jen@iowaschool... Sat, 07/27/2019 - 17:20