

Ivy Preparatory Academy

Board Policy

FMLA

The Family and Medical Leave Act (FMLA) is a federal law designed to balance the needs of employers and employees in circumstances when employees must take extended medical leaves for serious medical conditions, including pregnancy or to care for family members. FMLA gives eligible employees the right to take up to 12 weeks of job-protected leave (or up to 26 weeks in the case of military caregiver leave) with continued benefits for immediate family or medical reasons.

The Human Resources Division administers FMLA for all Ivy Prep Academy employees. Employees and supervisors are encouraged to contact the Human Resource Services Division regarding qualification, eligibility, entitlement to leave, maintenance of health benefits, job restoration and return to work, notice and medical certification, fitness to return to duty, intermittent/reduced leave, and application of this regulation.

Eligible employees may take reasonable leaves of absence for the birth, adoption, or placement of a foster child; for the care of a spouse, son, daughter, or parent who has a serious health condition or a covered service member with an injury or illness; or because the employee is unable to perform the functions of his/her position due to a serious health condition. This regulation is not intended to give or create any additional rights to leave not provided by the Family and Medical Leave Act. Any employee request for leave that meets the qualification requirements for leave authorized by the Family and Medical Leave Act will be treated by the APS as a request for Family and Medical Leave, provided the employee has not exhausted the amount of leave allowed by law.

Employees who apply for and are granted a family and medical leave of absence are required as a condition of leave to meet the notification and documentation requirements specified in this administrative regulation. **Leave may be delayed or denied if employees do not provide adequate notice for leaves planned in advance. Fraudulent application for or use of FMLA leave shall result in disciplinary action, up to and including termination.**

Eligibility

Employees of Ivy Prep Academy who work at a qualifying site, have been employed continuously for at least 12 months and who have worked at least 1250 hours during the 12 month period immediately prior to requesting leave are eligible to take up to 12 work weeks of unpaid leave during any 12-month period under the FMLA. Ivy Prep Academy requires that employees use any accrued paid leave (sick and/or annual leave) while on approved FMLA leave. When paid leave is exhausted, the leave becomes unpaid. Employees may be granted leave for one or more of the following reasons:

- Birth of a child or to care for a newborn child;
- Adoption or foster placement of a child with the employee;
- To care for the employee's spouse, child, or parent(s), if that individual suffers from a serious health condition;
- The employee's own serious health condition which prevents the employee from performing his/her job functions;
- Any qualifying exigency arising from the fact that the employee's family member is a covered service member and is on covered active duty;
- To care for a covered family member who is a covered service member and who suffers from a serious injury or illness incurred in the line of duty on active duty.

Period of Leave

Except in the case of leave to care for a covered military service member with a serious injury or illness, an employee's FMLA leave entitlement is limited to a total of 12 work weeks leave during any 12-month period. A "rolling year" shall be used to determine the 12-month period during which the 12 work weeks of leave entitlement may occur. That is, the 12-month period shall be measured backward from the date the employee uses any FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be determined based on any balance of the 12 work weeks which has not been used during the immediately preceding 12 months.

While on approved leave, employees are reminded that appropriate personnel policies and practices of Ivy Prep continue to apply to them. Any conduct or behavior inconsistent with the most current certification for leave may justify recertification or further investigation by Ivy Prep. In the event that it is determined that an employee has falsified, misrepresented or omitted information in connection with their application or use of FMLA leave, disciplinary action shall be administered, up to and including termination.

Notification

The employee must provide the employer with at least 30 days' advance notice to the Human Resource Services Division before the leave is to begin if the need for leave is foreseeable. This notice shall be in writing, set forth the reason(s) for requested leave, the anticipated start date and duration of leave. If the leave is foreseeable based on planned medical treatment, the employee is expected to make a reasonable effort to schedule planned treatment to avoid disruption to Ivy Prep operations. **Leave may be denied if employees do not provide adequate notice for leaves planned in advance.**

When planning absences for medical reasons, the employee must consult with the Human Resource Services Division and the employee's supervisor and should make a

reasonable effort to schedule the treatment subject to the approval of the health care provider so that any corresponding leave will not disrupt unduly the operations of the worksite.

If such advance notice is not possible, the employee must give notice as soon as practicable, ordinarily within one or two working days of learning of the need for leave, and which notice shall include sufficient information for Ivy Prep to determine whether FMLA leave applies. In all cases, the employee has a duty to respond to reasonable inquiries designed to determine whether an absence is FMLA qualifying. Failure to comply with these notice and other requirements may, absent unusual circumstances, result in the delay or denial of leave.

Employees are reminded that fraudulent application for or use of FMLA leave shall result in disciplinary action, up to and including termination. Certificated and licensed personnel are further reminded that the Georgia Code of Ethics for Educators provides “Standard 4: Honesty - An educator shall exemplify honesty and integrity in the course of professional practice. Unethical conduct includes but is not limited to, falsifying, misrepresenting or omitting...reasons for absences or leaves.”

Definitions

1. “Active duty” or “call to active duty status” means duty under a federal call or order to active duty or notification of an impending call or order to active duty in support of a contingency operation.
2. “Contingency operation” means a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force or results in the call or order to, or retention on, active duty of members of the uniformed services under sections 688, 12301 (a), 12302, 12305, or 12406 of Title 10 of the United States Code; Chapter 15 of Title 10 of the United States Code; or any other provision of law during a war or a declared national emergency.
3. “Covered military member” means the employee’s spouse, son, daughter, or parent on active duty or call to active duty status in support of a contingency operation as either a member of the National Guard or Reserves or a retired military member of the Regular Armed Forces or Reserve.
4. “Covered service member” means 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 incurred in the line of duty on active duty.

5. "Health Care Provider" means a Doctor of Medicine or osteopathy authorized to practice medicine or surgery and others determined by the Secretary of Labor. Contact the Human Resources Department for additional information.
6. "Incapacity" means inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment for a serious health condition, or recovery from a serious health condition.
7. "Instructional employee" means an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting.
8. "Intermittent leave" includes leave for a period from one hour to several weeks taken in such separate blocks of time and due to a single qualifying reason. Examples of such leave may include leave taken occasionally for medical appointments or leave taken several days at a time over a period of several months, such as for chemotherapy sessions. There is no requirement to grant intermittent leave for the birth or placement of a child, and an employee is not otherwise permitted to take leave on an intermittent basis unless it is medically necessary because of one's own serious health condition, to care for a parent or child with a serious health condition, or to care for a covered military member with a serious injury or illness. Leave due to a qualifying exigency may also be taken on an intermittent basis. The school will require a certification, in the form described below, to document the medical necessity of such intermittent leave.
9. "Next of kin of a covered service member" means the nearest blood relative other than the covered military member's spouse, parent, or child.
10. "Parent" means the biological parent of an employee, legal guardian or an individual who acted as a parent when the employee was a child. The term "parent" does not include the parents of the employee's spouse. However, a grandparent or neighbor who raised an employee may be considered as a "parent." An employee is limited to leave for two parents.
11. "Reduced-schedule leaves" refer to leave that decreases an employee's usual number of working hours per week or per day. If an employee's work schedule varies from week to week, the 12-week time period immediately preceding the leave time is analyzed to determine a weekly average of hours worked. There is no requirement to grant reduced-schedule leave for the birth or placement of a child.
12. An employee is not otherwise permitted to take leave on a reduced leave schedule unless it is medically necessary because of one's own serious health condition, to care for a parent or child with a serious health condition, or to care for a covered military member with a serious injury or illness. Leave due to a

qualifying exigency may also be taken on a reduced leave schedule basis. Ivy Prep will require a certification, in the form described in below, to document the medical necessity of such intermittent leave.

13. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that:
 - a. Involves a period of incapacity or treatment in connection with, or subsequent to inpatient care;
 - b. Requires continuing treatment by a health care provider and includes one or more of the following:
 - i. Absence from work, school or other regular activities for more than three consecutive days;
 - ii. Any period of incapacity due to pregnancy, or for prenatal care;
 - iii. Any period of incapacity or treatment for an incapacity due to a chronic serious health condition;
 - iv. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - v. Any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of a health care provider
14. "Serious injury or illness" means an injury or illness incurred by a covered military member in the line of duty on active duty that may render the military member medically unfit to perform the duties of his/her office, grade, rank, or rating.
15. "Son or daughter" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom the employee acts as a parent. The child must either be under 18 years of age, or age 18 or older and incapable of self-care because of a mental or physical disability.
16. "Spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a common law marriage that either:

- a. Was entered into in a state that recognizes such marriages; or
- b. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

An eligible employee is entitled to up to 12 weeks of leave for the following circumstances:

1. Birth of the employee's child and/or first year care for such newborn child.
 - a. The right to take FMLA leave applies equally to male and female employees. If Ivy Prep employs both parents, their total leave is limited to 12 weeks. If the employees cannot agree on the leave taken by each, Ivy Prep will base the decision on the reason for the request, length of service of the employees and impact on Ivy Prep operations.
 - b. Leave must be taken within 12 months of the child's birth.
2. Placement of a child with the employee for adoption or foster care, and the first-year care of the newly placed child.
 - a. The right to take FMLA leave applies equally to male and female employees. If Ivy Prep employs both parents, their total leave is limited to 12 weeks. If the employees cannot agree on the leave taken by each, Ivy Prep will base the decision on the reason for the request, length of service of the employees and impact on Ivy Prep operations.
 - b. Leave must be taken within 12 months of the adoption or placement.
 - c. The employee must provide written evidence of the placement. In the case of foster care, documentation of state action is required.
3. To care for the employee's spouse, child or parent who has a serious health condition.
 - a. Ivy Prep may require documentation to confirm the family relationship.
 - b. If Ivy Prep employs both spouses and the leave is requested because of the illness of a child or spouse, each spouse is entitled to 12 weeks of leave.
 - c. Intermittent leave or reduced-schedule leave is available only when medically necessary and must be supported by the appropriate medical certification. The employee may be temporarily transferred to an alternate position.

- d. The employee must provide written certification of the serious health condition of the family member by a health care provider. Medical certifications will be maintained separately from personnel records. The certification must be provided within 15 days of the request from Human Resources.
 - e. Subsequent recertification may be required at 30-day intervals or if the reason for or duration of the leave changes. Ivy Prep representative may contact the certifying health care provider with the patient's or guardian's permission for purposes of clarification and verification of the authenticity of the medical certification and the parameters for the leave.
 - f. Ivy Prep may, at its own expense, require a second medical opinion by a health care provider designated by the Ivy Prep. In the event of conflicting opinions, the Ivy Prep may select and pay for a third and final provider to render a binding decision.
4. A serious health condition that makes the employee unable to perform at least one essential function of his/her job.
- a. Intermittent leave or reduced-schedule leave is available only when medically necessary and must be supported by the appropriate medical certification. The employee may be temporarily transferred to an alternate position.
 - b. The employee must provide written certification of the serious health condition by a health care provider. Medical certifications will be maintained separately from personnel records. The certification must be provided within 15 days of the request from Human Resources.
 - c. Subsequent recertification may be required at 30-day intervals or if the reason for or duration of the leave changes. A health care provider representing the Ivy Prep may contact the certifying health care provider with the employee's permission for purposes of clarification and verification of the authenticity of the medical certification and the parameters for the leave.
 - d. The Ivy Prep may, at its own expense, require a second medical opinion by a health care provider designated by Ivy Prep. In the event of conflicting opinions, Ivy Prep may select and pay for a third and final provider to render a binding decision.
5. Qualifying exigency leave

- a. Employees who have been employed by the Ivy Prep for at least 12 months and who have worked at least the required number of hours during the 12 month period preceding the commencement of leave are eligible to take unpaid leave, or to substitute appropriate paid leave, if the employee has earned or accrued it, for up to a total of 12 work weeks in any single 12 month period for a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation as either a member of the National Guard or Reserves or as a retired member of the Regular Armed Forces or Reserve. An employee whose family member is in the Regular Armed Forces is not eligible for qualifying exigency leave.
- b. Qualifying exigencies include –
 - i. addressing issues related to a short-notice deployment;
 - ii. attending military events or other activities related to the covered military member's active duty or call to active duty status, including attending arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered member's active duty status;
 - iii. engaging in certain childcare activities necessary to provide child care on an urgent, immediate need basis (not a routine, regular, or everyday basis) arising from the covered military member's active duty status, and attending certain school activities related to the covered military member's active duty or call to active duty status;
 - iv. making or updating financial and legal arrangements to address the covered military member's absence while on active duty or call to active duty status; acting as a covered military member's representative for purposes of obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status;
 - v. attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises out of the active duty status of the covered military member;

- vi. spending time (not to exceed five days of leave) with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment; and
 - vii. post-deployment activities which allows leave to attend arrival ceremonies, and other official ceremonies sponsored by the military following the termination of the covered military member's active duty and to address issues that arise from the death of a covered military member while on active duty status;
 - viii. additional activities which allows leave to address other events which arise out of the covered military member's active duty or call to active duty status provided that the employee and employer agree that such leave qualify as exigency and agree to both the timing and duration of such leave.
- c. The first time an employee requests qualifying exigency leave, the employee must provide a copy of the covered military member's active duty orders and must complete the necessary certification forms. Ivy Prep has elected to use DOL Form WH-384 to obtain certification regarding the employee's need to take leave for a qualifying exigency. The same timing and procedural requirements for certification apply to all requests for FMLA leave, including those for qualifying exigency leave.
 - d. For purposes of qualifying exigency leave, the term "son, daughter, or child" means the covered military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered military member stood in loco parentis, and who is of any age.

An eligible employee is entitled to leave of up to 26 weeks for the following circumstances:

Military Caregiver Leave: Employees eligible under the Family Medical Leave Act, who have been employed by the school Ivy Prep for 12 months or more and who have worked the required number of hours during the 12 month period immediately preceding the commencement of leave are eligible to take unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 26 work weeks in any single 12 month period to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or the next of kin of the covered service member. Military caregiver leave extends to those seriously injured or ill members of both the Regular Armed Forces and the National Guard or Reserves.

Under the Military Caregiver category of leave, an eligible employee is entitled to a total of 26 work weeks of leave for any FMLA-qualifying reason during a single 12 month

period, provided that the employee is entitled to no more than 12 work weeks of leave for one or more of the following:

1. The birth of a child and first-year care;
2. The adoption or foster placement of a child with the employee;
3. To care for the employee's spouse, child, or parent, if that person has a serious health condition;
4. The serious health condition of the employee that prevents the employee from performing his or her job functions; or
5. A qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

The "single 12-month period" for military caregiver leave begins on the first day the eligible employee takes military caregiver leave and ends 12 months after that date, regardless of the method used to determine the employee's 12 work weeks of leave entitlement for other FMLA-qualifying reasons. In this way, the use of military caregiver leave begins a new single 12-month period. For example, an employee may take 10 work weeks of FMLA leave to care for a newborn child and subsequently take military caregiver leave for up to 26 work weeks. Unlike military caregiver leave, the use of FMLA leave for other qualifying reasons does not begin a new 12-month period for employees taking military caregiver leave. For example, an employee who takes 20 work weeks of military caregiver leave is limited to taking 6 weeks of leave for other FMLA-qualifying reasons during the single 12-month period.

Ivy Prep elects to use DOL Form WH-385 to obtain certification regarding the employee's need for military caregiver leave. The same timing and procedural requirements for certification apply to all requests for FMLA leave, except that an invitational travel order ("ITO") or invitational travel authorization ("ITA") issued to any family member to join an injured or ill service member at his or her bedside will be sufficient certification for the period of time specified in the ITO or ITA.

For purposes of military care giver leave, "son, daughter, or child" means the covered military member's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered military member stood in loco parentis, and who is of any age.

Concurrent Leaves: FMLA and Workers' Compensation

For all job-related injuries or illnesses that meet the criteria for a serious health condition under FMLA, the absence for job-related illness or injury will run concurrently with FMLA.

Benefits

1. General

- a. The employee will not lose previously accrued benefits.
- b. If the employee is approved for an intermittent or reduced schedule, benefits eligibility will be based upon original status at the time the new schedule is initiated. However, leave will be accrued on a prorated basis.

2. Unpaid Leave

- a. Sick and annual leave does not accrue during a leave of absence without pay.
- b. An employee on a leave of absence without pay is not paid for holidays that occur during the leave.
- c. An employee on leave of absence without pay for 20 or more calendar days will have their salary adjusted/prorated according to their work year.

3. Health Benefits

- a. Health benefits may be continued through the employee's leave.
- b. If the employee is on leave without pay, health benefits will be continued but the employee will be required to pay the employee's portion of the premiums. If an employee's premium payments are more than 30 days late, the Ivy Prep may provide written notice to the employee that payment has not been received. Such notice will be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless payment is received by that date.
- c. If the employee does not return to work following the leave, he/she may be required to reimburse the Ivy Prep for the employer's premiums paid during the leave, unless the employee did not return due to a serious health condition of the employee or the employee's spouse, parent or child or other circumstances beyond the employee's control. Ivy Prep may require certification from the health care provider that a serious health condition of the employee or family member prevented the employee from returning to work. Employees must provide medical certification within 30 calendar days from the date it is requested for health care benefits.

Return to Work

In general, an employee who completes a period of leave will be returned to the same or equivalent position, if he/she returns prior to or at the end of 12 weeks. Disputes that arise regarding the determination of "equivalent" will be resolved by the Human Resources Leader. This restoration does not apply to an employee returning to work beyond the approved FMLA leave period.

If the leave was required due to the employee's health, a return to work certification from the health care provider stating the employee's fitness to return to duty is required. Once an employee's FMLA leave is exhausted, if the employee cannot fulfill the requirements to return to duty or provide justification for valid reasonable accommodations provided under the Americans with Disabilities Act, the employee will be released from his/her employment with Ivy Prep.

If the employee's position has been abolished or reclassified due to a legitimate organizational necessity while he or she was on FMLA leave, any right to restoration and/or reinstatement would be the same as if the employee had not been on leave when the abolishment or reclassification occurred.

Special Circumstances

Key Employees: Under certain circumstances, salaried employees who are among the highest paid 10% of the work force may be denied restoration to their prior or equivalent position. Job restoration can be denied if denial is necessary to prevent substantial and grievous economic hardship to the school system's operations. Ivy Prep must notify the employee at the time the school determines that such a hardship would occur and that the school intends to deny restoration.

Employees to whom job restoration is denied are entitled to take leave and have their health insurance continued during that leave even though they will not have a position when leave is completed. This leave may be paid or unpaid in accordance with the employee's leave balance.

Instructional Employees and Intermittent/Reduced Schedule Leave: If an instructional employee seeks intermittent or reduced schedule leave to care for a family member with a serious health condition, to care for a covered service member or due to the employee's own serious health condition, and which is foreseeable based on planned medical treatment, and if the employee would be on leave for more than 20 percent(%) of the total number of working days over the period of leave, Ivy Prep may require the employee to choose either:

1. To take leave for the period(s) of a particular duration, not greater than the duration of the planned treatment; or
2. Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.

Failure of an instructional employee to provide notice of foreseeable leave as otherwise required in these rules may result in either the delay of leave or Ivy Prep 's election to assign leave as provided for in subsections 1 or 2 above.

Instructional Employees and Leave Near the End of the Semester: Instructional employees who begin leave more than five weeks before the end of the academic term, less than five weeks before the end of the term, or less than three weeks before the end of the term.

1. In the event of leave which begins more than five weeks before the end of the term which will last at least three weeks and would result in the employee returning during the last weeks of the academic term, Ivy Prep may require the employee to take leave until the end of the term.
2. In the event of leave which begins during the last five weeks of the term due to birth, adoption or foster placement of a child, to care for a family member with a serious health condition or a covered service member, which will last more than two weeks and result in the employee returning to work during the two week period before the end of the academic term, Ivy Prep may require the employee to take leave until the end of the academic term.
3. In the event of leave which begins during the three week period before the end of the term due to birth, adoption or foster placement of a child, to care for a family member with a serious health condition or a covered service member, and which will last for more than five working days, Ivy Prep may require the employee to take leave until the end of the academic term.

Documentation

All leave requests and supporting documentation outlined above must be provided on the appropriate forms available from the Human Resources department

Certification

Ivy Prep Academy requires that a request for leave due to a serious health condition of an employee or an employee's family member or a serious injury or illness of a covered service member be supported by certification by the appropriate health care provider of the eligible employee or family member on a form to be provided by Human Resources. The employee must provide a complete and sufficient certification to the employer within 15 calendar days after the employer's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. If an employee fails to provide certification in a timely manner, FMLA coverage may be denied until the required certification is provided. A certification will be considered incomplete and insufficient if applicable entries have not been completed, or if information provided is vague, ambiguous, or non-responsive. Employees will be given seven calendar days to cure any such deficiencies in the medical certification. If the specified deficiencies are not cured in the resubmitted certification, the school may deny

the request for FMLA leave. A representative of Ivy Prep (HR Leader or designated health care provider) may also contact the employee's health care provider to authenticate the certification received, and in all cases it remains the employee's responsibility to provide a complete, authentic and sufficient certification as provided for in these rules, and to clarify such certification as necessary.

Content of Certification

Ivy Prep has elected to use US Department of Labor forms WH-380E, Certification for Employee's Serious Health Condition and WH-380F, Certification for Family Member's Serious Health Condition to obtain medical certification, including second and third opinions, from health care providers when leave is requested because of an employee's own serious health condition and when leave is requested because of the serious health condition of a family member, respectively. Form WH-385, Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave must be used for military caregiver leave and Form WH-384, Certification of Qualifying Exigency for Military Family Leave must be used for qualifying exigency leave. Completed forms must be submitted to the Department of Employee Benefits.

Second and Third Opinions

Ivy Prep, at its own expense, may obtain the opinion of a second health care provider of the school's choice. If a conflict exists between the opinions contained in the certification and the second opinion, Ivy Prep may, at its own expense, obtain a third opinion from a health care provider upon which the school and the employee jointly agree. Such a third opinion will be binding on both the school and the employee. Military caregiver leave is certified by a military physician and does not have a second or third opinion option.

Return to Work Certification. Upon an employee's return to work after leave based on employee's own serious health condition, the Ivy Prep requires the employee to obtain certification on the form required by Human Resources from his/her health care provider that the employee is able to resume work. An employee has the same obligation to participate and cooperate in the return-to-work certification process as in the initial certification process. The cost of certification shall be borne by the employee.

Employee's return to employment may be delayed by the school until the employee submits the required return to work certification.

Intent to Return to Work. The school may require an employee on FMLA leave to report periodically to his/her principal or supervisor on the employee's status and intent to return to work.

Extended Leave

Employees who are unable to return to work after exhausting all the FMLA leave provided for above are subject to the following rules:

Under the Americans with Disabilities Act, qualified individuals with a disability may be eligible for extended leave beyond that to which they are entitled under the FMLA as a

reasonable accommodation for their disability. The determination as to whether such an accommodation may be granted, and if so the duration of any such leave, is made on a case-by-case basis by the Human Resources department and may require additional medical and/or other information be submitted by the employee seeking such leave. Absent a qualifying disability as recognized under the ADA, and unless otherwise expressly permitted in the policies of Ivy Prep, the school does not grant any additional medical or non-medical leave beyond that set forth above. Consequently, employees who are either unable or fail to return to work after exhaustion of their entitlement to leave herein are subject to being released from their employment with Ivy Prep Academy.

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