

4  
5 Family Medical Leave

6  
7 Who Is Eligible

8  
9 Employees are eligible if they have worked for the District for at least one (1) year, and for one  
10 thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have  
11 been at least fifty (50) District employees within seventy-five (75) miles for each working day  
12 during twenty (20) or more workweeks in the current or preceding calendar year.

13  
14 Benefit

15  
16 Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12)  
17 weeks or twenty-six (26) weeks leave with continuing participation in the District’s group  
18 insurance plan.

19  
20 Reasons for Taking Leave

21  
22 Unpaid leave will be granted to eligible employees for any of the following reasons:

- 23
- 24 a. To care for the employee’s child after birth, or placement for adoption or foster care;
- 25 b. To care for the employee’s spouse, child, or parent (does not include parents-in-law) who
- 26 has a serious health condition; “son or daughter” includes a biological or adopted child,
- 27 foster child, stepchild, a legal ward, or a child of a person standing in loco parentis.
- 28 c. For a serious health condition that makes the employee unable to perform the employee’s
- 29 job;

30  
31 Military Family Leave

32  
33 a. Military caregiver leave

- 34 1. An eligible employee who is a relative of a servicemember can take up to twenty-
- 35 six (26) weeks in a twelve-(12)-month period in order to care for a covered
- 36 servicemember who is seriously ill or injured in the line of duty, or a veteran who
- 37 is undergoing medical treatment, recuperation or therapy for serious injury or
- 38 illness that occurred any time during the five (5) years preceding the date of
- 39 treatment.

40  
41 b. Qualified exigency leave (applies to eligible employees with family members who are in  
42 the National Guard or Reserves, and Regular Armed Forces)

- 43 1. An eligible employee can take up to the normal twelve (12) weeks of leave, if a
- 44 family member who is a member of the National Guard or Reserve is called up to
- 45 active duty on a contingency mission.
- 46 2. Qualifying exigencies include:

- a. Short-notice deployment;
- b. Military events and related activities;
- c. Childcare and school activities;
- d. Financial and legal arrangements;
- e. Counseling;
- f. Rest and recuperation;
- g. Post-deployment activities; and
- h. Additional activities agreed to by the employer and the employee.

### Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

- a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
- d. Whenever appropriate workers' compensation absences shall be designated FMLA leave.
- e. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

### Limitations on husband and wife of "Same Employer"

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer are limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken: (1) for the birth of the employee's son or daughter or to care for the child after birth; (2) for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or (3) to care for the employee's parent with a serious health condition. *Care for parents-in-law is not covered by the FMLA.*

*Examples: (1) If each spouse took six (6) weeks of leave to care for a healthy, newly placed child, each could use an additional six (6) weeks due to his or her own serious health condition or to care for a child with a serious health condition. (2) a husband and wife may each take twelve (12) weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition provided they have not exhausted their entitlements during the applicable 12-month FMLA period.*

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve-(12)-month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.

1  
2  
3  
4 Employee Notice Requirement

5  
6 The employee must follow the employer's standard notice and procedural policies for taking  
7 FMLA.  
8

9 Employer Notice Requirement (29 C.F.R. § 825.300)

10  
11 Employers are required to provide employees with notice explaining the FMLA through a poster  
12 and either a handbook or information upon hire. If an employee requests FMLA leave, an  
13 employer must provide notice to the employee within five (5) business days of whether the  
14 employee meets the FMLA eligibility requirements. If an employee is not eligible to take  
15 FMLA, the employer must provide a reason. The employer must also provide a rights and  
16 responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA  
17 leave is approved by the employer, it must provide the employee with a designation notice  
18 stating the amount of leave that will be counted against an employee's FMLA entitlement.  
19

20 Notice for Leave Due to Active Duty of Family Member

21  
22 In any case in which the necessity for leave is foreseeable, whether because the spouse or a son,  
23 daughter, or parent of the employee is on active duty or because of notification of an impending  
24 call or order to active duty in support of a contingency operation, the employee shall provide  
25 such notice to the employer as soon as is reasonable and practicable.  
26

27 Requests

28  
29 A sick leave request form is to be completed whenever an employee is absent from work for  
30 more than three (3) days or when an employee has need to be absent from work for continuing  
31 treatment by (or under the supervision of) a health care provider.  
32

33 An employer may require that a request for leave be supported by a certification issued at such  
34 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a  
35 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of  
36 such certification to the employer.  
37

38 Medical Certification

39  
40 The District will require medical certification to support a request for leave or any other absence  
41 because of a serious health condition (at employee expense) and may require second (2<sup>nd</sup>) or  
42 third (3<sup>rd</sup>) opinions (at the employer's expense) and a fitness-for-duty report or return-to-work  
43 statement.  
44  
45  
46

1  
2  
3  
4 Intermittent/Reduced Leave  
5

6 FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain  
7 circumstances. Where leave is taken because of birth or placement of a child for adoption or  
8 foster care, an employee may take leave intermittently or on a reduced leave schedule only with  
9 District approval. Where FMLA leave is taken to care for a sick family member or for an  
10 employee’s own serious health condition, leave may be taken intermittently or on a reduced  
11 leave schedule when medically necessary. An employee may be reassigned to accommodate  
12 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced  
13 leave schedule, increments will be limited to the shortest period of time that the District’s payroll  
14 system uses to account for absences or use of leave.  
15

16 Insurance  
17

18 An employee out on FMLA leave is entitled to continued participation in the appropriate group  
19 health plan, but it is incumbent upon the employee to continue paying the usual premiums  
20 throughout the leave period. An employee’s eligibility to maintain health insurance coverage will  
21 lapse if the premium payment is more than thirty (30) days late. The District will mail notice of  
22 delinquency at least fifteen (15) days before coverage will cease.  
23

24 Return  
25

26 Upon return from FMLA leave, reasonable effort shall be made to place the employee in the  
27 original or equivalent position with equivalent pay, benefits, and other employment terms.  
28

29 Recordkeeping  
30

31 Employees, supervisors, and building administrators will forward requests, forms, and other  
32 material to payroll to facilitate proper recordkeeping.  
33

34 Summer Vacation  
35

36 The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee  
37 would not have been required to work will not count against that employee’s FMLA leave  
38 entitlement.  
39

40 ***SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES***  
41

42 Leave More Than Five (5) Weeks Before End of Term  
43

44 If an instructional employee begins FMLA leave more than five (5) weeks before the end of  
45 term, the District may require the employee to continue taking leave until the end of a semester  
46 term, if:

- 1
- 2
- 3 a. The leave is at least three (3) weeks; and
- 4 b. The employee's return would take place during the last three-(3)-week period of the
- 5 semester term.
- 6

7 Leave Less Than Five (5) Weeks Before End of Term

8

9 If an instructional employee begins FMLA leave for a purpose other than that employee's own  
10 serious health condition less than five (5) weeks before the end of term, the District may require  
11 the employee to continue taking leave until the end of a semester term, if:

- 12
- 13 a. The leave is longer than two (2) weeks; and
- 14
- 15 b. The employee's return would take place during the last two-(2)-week period of the
- 16 semester term.
- 17

18 Leave Less Than Three (3) Weeks Before End of Term

19

20 If an instructional employee begins FMLA leave for a purpose other than that employee's own  
21 serious health condition less than three (3) weeks before the end of term, the District may require  
22 the employee to continue taking leave until the end of the academic term if the leave is longer  
23 than five (5) days.

24

25 Intermittent or Reduced Leave

26

27 Under certain conditions, an instructional employee needing intermittent or reduced leave for  
28 more than twenty percent (20%) of the total working days over the leave period may be required  
29 by the District to:

- 30
- 31 a. Take leave for a period(s) of particular duration not to exceed the duration of treatment;
- 32 or
- 33 b. Transfer to an alternate but equivalent position.
- 34
- 35
- 36

37 Procedure History:

38 Adopted on: March 14, 2011  
39 Reviewed on: September 10, 2012  
40 Revised on: October 9, 2012