

PERSONNEL

1 Family Medical Leave

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3 Who Is Eligible

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

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10 Benefit

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12 Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12)
13 weeks leave with continuing participation in the District’s group insurance plan.

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15 Reasons for Taking Leave

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

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

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27 Military Family Leave

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29 1. military caregiver leave

- 30 a. an eligible employee who is a relative of a service member can take up to 26 weeks in
31 a 12 month period in order to care for a covered service member who is seriously ill or
32 injured in the line of duty.

33 2. qualified exigency leave (only applies to eligible employees with family members who are in
34 the National Guard or Reserves, not the Regular Armed Forces

- 35 a. An eligible employee can take up to the normal 12 weeks of leave if a family member
36 who is a member of the National Guard or Reserve is call up to active duty on a
37 contingency mission. Qualifying Exigencies include:
- 38 i. Short-notice deployment
- 39 ii. Military events and related activities
- 40 iii. Childcare and school activities
- 41 iv. Financial and legal arrangements
- 42 v. Counseling
- 43 vi. Rest and recuperation
- 44 vii. Post-deployment activities; and
- 45 viii. Additional activities agreed to by the employer and the employee

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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. Service member 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.

placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

Employee Notice Requirement

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

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

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

Notice For Leave Due To Active Duty Of Family Member

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

Requests

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

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

Medical Certification

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second or third opinions (at the employer’s expense) and a fitness-for-duty report or return-to-work statement.

Intermittent/Reduced Leave

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

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Insurance

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

Return

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

Recordkeeping

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

Summer Vacation

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

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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

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

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

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

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

- a. The leave is longer than two (2) weeks; and

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- 1 b. The employee’s return would take place during the last two-(2)-week period of the
- 2 semester term.
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4 Leave Less Than Three (3) Weeks Before End of Term

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

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11 Intermittent or Reduced Leave

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

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- 17 a. Take leave for a period(s) of particular duration not to exceed the duration of treatment,
- 18 or
- 19 b. Transfer to an alternate but equivalent position.
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23 Procedure History:

24 Promulgated on: February 2007

25 Revised on: Unknown

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27 *Revision Note:*

28 *First revision: Clarified reasons for taking leave (lines 22-30---page 1).*

29 *Second Revision: Added “Military Family Leave” section, and clarified “employee” and*
30 *“employer” notice requirements.*

31 *Third Revision: Clarified “Limitations on husband and wife of same employer”.*

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