

POLICY 9520: FAMILY AND MEDICAL LEAVE POLICY

The Board of Education in accordance with the Family and Medical Leave Act (FMLA) of 1993 as amended, gives "eligible" employees of the District the right to take unpaid family and medical leave for up to twelve (12) or twenty-six (26) workweeks in a twelve (12) month period. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA Leave.

In order to be "eligible" for FMLA an employee must have been employed by the District for at least twelve months and have worked at least 1,250 hours during the prior twelve months.

Qualified employees may be granted up to twelve (12) weeks of FMLA Leave for one (1) or more of the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or child with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of unpaid leave in a 12-month period, as calculated above, to care for the service member who is seriously ill or injured in the line of duty.

An employee may elect, or the District may require, an employee to use accrued paid vacation, personal or family leave for purposes of an FMLA leave. An employee may elect, or the District may require, an employee to use accrued vacation, personal, or medical/sick leave for purposes of a medical leave.

An employee on FMLA Leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to an equivalent position according to established Board practice, policies and the collective bargaining agreement.

The employee shall notify the District of his/her request for leave, if foreseeable, at least thirty (30) days prior to the date when the leave is to begin. If such leave is not foreseeable then the employee shall give such notice as is practical. In addition, the District shall require an employee to submit certification from a healthcare provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The District shall also require that an employee present certification of fitness to return to work when the absence is caused by employee's serious health condition. The District has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

In the case of leave due to any qualifying exigency whether because of a spouse, son, daughter or parent on active duty in the armed forces, the employee shall provide such notice to the employer as is reasonable and practical.

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law in each school building.

Ref: 29 U.S.C. §§ 207, 2601, 2611, 2612, 2613, 2614, 2618, 2619.
29 CFR §§ 825.110, 825.309, 825.600, 825.603, 825.800.

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