

2  
3 **PERSONNEL**

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;
- 27 i. “son or daughter” includes a biological or adopted child, foster child, stepchild,
- 28 a legal ward, or a child of a person standing in loco parentis.
- 29 c. For a serious health condition that makes the employee unable to perform the employee’s
- 30 job;

31  
32 Military Family Leave

33  
34 a. Military caregiver leave

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

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

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

- 1  
2  
3  
4 2. Qualifying exigencies include:  
5 a. Short-notice deployment;  
6 b. Military events and related activities;  
7 c. Childcare and school activities;  
8 d. Financial and legal arrangements;  
9 e. Counseling;  
10 f. Rest and recuperation;  
11 g. Post-deployment activities; and  
12 h. Additional activities agreed to by the employer and the employee.  
13

14 Substitution of Paid Leave  
15

16 If the District requires the employee to use appropriate paid leave concurrently while on FMLA  
17 leave pursuant to Policy 5328, paid leave will be substituted for unpaid leave under the following  
18 circumstances:  
19

- 20 a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that  
21 is taken for a serious health reason as described in (b) or (c) above.  
22 b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave  
23 that is taken for a family reason as described in (a) above.  
24 c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the  
25 FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District  
26 policy or an applicable collective bargaining agreement.  
27 d. Whenever appropriate workers' compensation absences shall be designated FMLA leave.  
28 e. Service member FMLA runs concurrent with other leave entitlements provided under  
29 federal, state, and local law.  
30

31 Limitations on husband and wife of "Same Employer"  
32

33 A husband and wife who are eligible for FMLA leave and are employed by the same covered  
34 employer are limited to a combined total of twelve (12) weeks of leave during any twelve (12)  
35 month period if the leave is taken: (1) for the birth of the employee's son or daughter or to care  
36 for the child after birth; (2) for placement of a son or daughter with the employee for adoption or  
37 foster care, or to care for the child after placement; or (3) to care for the employee's parent with a  
38 serious health condition. *Care for parents-in-law is not covered by the FMLA.*  
39

40 Examples: (1) If each spouse took six (6) weeks of leave to care for a healthy, newly placed child, each could use an  
41 additional six (6) weeks due to his or her own serious health condition or to care for a child with a serious health  
42 condition. (2) A husband and wife may each take twelve (12) weeks of FMLA leave if needed to care for an adopted  
43 or foster child with a serious health condition provided they have not exhausted their entitlements during the  
44 applicable 12-month FMLA period. (3)  
45

46 If spouses are employed by the same employer, the aggregate number of weeks of leave that can  
47 be taken is twenty-six (26) weeks in a single twelve-(12)-month period for serviceperson leave or

1  
2  
3  
4 a combination of exigency and serviceperson leave. The aggregate number of weeks of leave  
5 that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if  
6 for exigency leave only.

7  
8 Employee Notice Requirement

9  
10 The employee must follow the employer's standard notice and procedural policies for taking  
11 FMLA.

12  
13 Employer Notice Requirement (29 C.F.R. § 825.300)

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

23  
24 Notice for Leave Due to Active Duty of Family Member

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

30  
31 Requests

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

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

41  
42 Medical Certification

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

1  
2  
3  
4 statement.

5  
6 Intermittent/Reduced Leave  
7

8 FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain  
9 circumstances. Where leave is taken because of birth or placement of a child for adoption or  
10 foster care, an employee may take leave intermittently or on a reduced leave schedule only with  
11 District approval. Where FMLA leave is taken to care for a sick family member or for an  
12 employee’s own serious health condition, leave may be taken intermittently or on a reduced  
13 leave schedule when medically necessary. An employee may be reassigned to accommodate  
14 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced  
15 leave schedule, increments will be limited to the shortest period of time that the District’s payroll  
16 system uses to account for absences or use of leave.  
17

18 Insurance  
19

20 An employee out on FMLA leave is entitled to continued participation in the appropriate group  
21 health plan, but it is incumbent upon the employee to continue paying the usual premiums  
22 throughout the leave period. An employee’s eligibility to maintain health insurance coverage will  
23 lapse if the premium payment is more than thirty (30) days late. The District will mail notice of  
24 delinquency at least fifteen (15) days before coverage will cease.  
25

26 Return  
27

28 Upon return from FMLA leave, reasonable effort shall be made to place the employee in the  
29 original or equivalent position with equivalent pay, benefits, and other employment terms.  
30

31 Recordkeeping  
32

33 Employees, supervisors, and building administrators will forward requests, forms, and other  
34 material to payroll to facilitate proper recordkeeping.  
35

36 Summer Vacation  
37

38 The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee  
39 would not have been required to work will not count against that employee’s FMLA leave  
40 entitlement.  
41

42 ***SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES***  
43

44 Leave More Than Five (5) Weeks Before End of Term  
45

46 If an instructional employee begins FMLA leave more than five (5) weeks before the end of

1  
2  
3  
4 term, the District may require the employee to continue taking leave until the end of a semester  
5 term, if:

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

9  
10 Leave Less Than Five (5) Weeks Before End of Term

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

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

20  
21 Leave Less Than Three (3) Weeks Before End of Term

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

27  
28 Intermittent or Reduced Leave

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

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

37  
38  
39  
40 Procedure History:

41 Promulgated on: 2/25/08

42 Reviewed on: 1/24/11

43 Revised on: 2/23/11