

STAFF PERSONNEL
Series 400

Policy Title: FAMILY MEDICAL LEAVE ACT (FMLA)

Code: 403.9

In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up to twelve (12) weeks during a twelve (12) month period, may be granted to an eligible employee for the following reasons: 1) the birth of a child; 2) the placement of a child for adoption or foster care with the employee; 3) because of a serious health condition that makes the employee unable to perform the functions of the job; 4) to care for the employee's spouse, child or parent with a serious health condition; or 5) for any qualified exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty status in the Armed Forces.

An employee is eligible to take FMLA leave if the employee has been employed for at least twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested. Further, an employee may only be eligible if there have been at least fifty (50) district employees within seventy five (75) mile radius.

An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty six (26) weeks of leave in a single twelve (12) month period to care for the service member.

Employees will be required to use appropriate paid leave while on FMLA leave. Workers compensation absences will be designated FMLA leave.

The board has determined that the twelve (12) month period during which an employee may take FMLA leave is July 1 to June 30.

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

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 portion of the premiums the employee usually pays 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.

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.

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 term.

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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:

1. the leave is at least three weeks; and
2. the employee's return would take place during the last three week period of the semester term.

If the instruction 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:

1. the leave is longer than two weeks; and
2. the employee's return would take place during the last two week period of the semester term.

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

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

1. take leave for a period(s) of particular duration not to exceed the duration of treatment; or
2. transfer to an alternate but equivalent position.

Date of Adoption: October 17, 2011

Readopted:

Revised: March 19, 2012

Legal Reference:

29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act –

National Defense Authorization Act

FY 2008 (NDAA), Pub L.110-181