

Family and Medical Leave Procedures



1. To be eligible for family and medical leave, an employee must have:
 - a. Been employed by the district for at least 12 months; and
 - b. Actually worked a minimum of 1250 hours as determined under Family and Medical Leave Act (FMLA) regulations during the 12-month period immediately preceding the commencement of leave.
2. When an employee chooses to use FMLA leave, the employee or an appropriate spokesperson, shall apply in writing to Human Resources for the initial leave and when the reason for requesting leave under the FMLA changes:
 - a. Thirty days in advance for foreseeable needs; or
 - b. As soon as possible in emergencies.
3. Written requests for leave under the FMLA due to serious illness or health condition must be accompanied by a doctor's certification indicating the anticipated duration and the nature of the illness or health condition. The illness or condition must require inpatient care in a hospital or residential facility or continuing treatment by a health care provider.
 - a. At its expense, the district may require the employee to obtain a second opinion by a doctor designated by the district.
4. An eligible employee is entitled to a maximum of 12 calendar weeks of leave under the FMLA in a rolling 12-month period for the following reasons:
 - a. Birth of a child;
 - b. Adoption of a child;
 - c. Placement of a foster child;
 - d. A serious health condition of the employee;
 - e. Care of a spouse, dependent child, or parent with a serious medical condition; or
 - f. A qualifying exigency arising as a result of a spouse, son, daughter, or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.
 - g. To care for a covered servicemen member with a serious illness or injury if the employee is

An eligible employee is entitled to 26 calendar weeks of leave during a 12-month period under the FMLA as "caregiver leave" to care for a spouse, son, daughter, parent or next in kin who is a recovering service member as defined by the National Defense Authorization Act.

- a. The 26 weeks of caregiver leave is measured from the date the employee first takes caregiver leave.
5. Employee requesting leave under the FMLA for the employee's own serious health condition or to care for a spouse, son, daughter, parent or next of kin of the service member, dependent child, or parent with a serious medical condition must provide medical certification of the serious health condition. Failure to provide medical certification may result in denial of leave under the FMLA.
 6. An employee who chooses to use FMLA leave shall use FMLA leave for all absences related to that qualifying event.

7. Any period of leave without pay for an employee with a serious health condition who is determined by a health care provider to be incapable of applying for Family and Medical Leave and has no agent or designee shall be designated as FMLA leave.
8. Leave taken for purposes of childbirth, adoption, placement for adoption or foster care shall not be taken intermittently.
9. Leave required for certified medical reasons may be taken intermittently.
10. Leave taken for a serious health condition covered under worker's compensation will be counted towards an employee's FMLA entitlement.
11. If a husband and wife both work for the district, they are entitled to a combined total of up to 12 weeks in a rolling 12-month period if leave is taken;
 - a. For birth of the employee son or daughter or to care for the child after birth;
 - b. For placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or
 - c. To care for an employee's parent with a serious health condition.
12. For an employee's own illness or the illness of a spouse, parent, child, or legal guardian, the district will require the employee to use the employee's available accumulated sick leave (in accordance with applicable negotiated agreements) other paid leave and compensatory time off before granting unpaid leave. The total FMLA period, whether paid or unpaid, shall not exceed twelve (12) work weeks.
13. An employee on FMLA leave shall continue to receive the same health insurance benefits the employee was receiving prior to the commencement of FMLA leave. During the FMLA period and/or a paid sick leave, the district shall continue to pay its portion of the employee's group health insurance premium. An employee on FMLA must continue to pay his/her portion of the insurance premium in order to keep coverage in effect.
14. An employee shall be eligible to return to work under the leave of absence procedures applicable to the employee's classification and with respect to the duration of leave away from work.
15. An employee who was granted leave under the FMLA for his/her own serious health condition, shall be eligible to return to work, only after providing a fitness for duty certification from the employee's treating physician.
16. If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, the district may recover, with certain exceptions, the health insurance premiums paid by the district on the employee's behalf.
 - a. An exception to this provision includes an employee whose circumstances change unexpectedly beyond the employee's control during the leave period preventing the return to work at the end of 12 weeks.
17. Upon returning from FMLA leave, an employee shall be assigned to his/her previous position(s) or to equivalent position(s) with equivalent pay and benefits.
18. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.
19. Medical records created for purposes of FMLA will be maintained by Human Resources in a confidential medical file, separate from the employee personnel file.