

FAMILY AND MEDICAL LEAVE ACT (FMLA)

ELIGIBILITY

- School district employees are eligible for FMLA leave if the following is true:
 - ❖ The district has 50 or more employees employed within a 75-mile radius.
 - ❖ The employee has worked for the district for at least 12 months (sub or part-time work counts).
 - ❖ The employee has worked 1,250 hours in the preceding 12 months.

QUALIFYING EVENTS

- An employee's serious health condition that makes the employee unable to perform the functions of the position of such employee
- The need to care for a spouse, child, or parent with a serious health condition
- Birth of a child or to care for a newborn
- Placement of a child with an employee for adoption or foster care
 - ❖ Leave following the birth or placement of a child may be taken only during the first 12 months following the event.
 - ❖ Son or daughter means a biological, adopted or foster child, a stepchild, legal ward or a child of a person standing in "loco parentis" who is under 18 years old or a dependent adult incapable of self-care because of a mental or physical disability.
 - ❖ Parent means the biological parent of an employee or an individual who stood in "loco parentis" to an employee when the employee was a son or daughter. **PARENT DOES NOT INCLUDE A PARENT-IN-LAW**

SERIOUS HEALTH CONDITION

- An illness, injury, or physical or mental condition that includes the following:
 - ❖ Inpatient care, subsequent treatment, and the time needed to recover
 - ❖ Continuing treatment by a health care provider for a condition that involves incapacity of more than three days and two or more treatments
 - ❖ Incapacity due to pregnancy or prenatal care
 - ❖ Episodic periods of incapacity due to a chronic health condition (i.e., asthma, diabetes, epilepsy) that requires occasional visits to a health care provider and continues over an extended period of time

- ❖ Permanent or long-term incapacity due to a condition that can't be treated effectively (i.e., Alzheimer's disease, a severe stroke, or the terminal stages of a disease)
- ❖ Any period of absence to receive multiple treatments for a condition that would result in an absence for more than three consecutive days if left untreated (i.e., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).
- ❖ Treatment for substance abuse

DURATION OF FMLA LEAVE

- Eligible employees may take 12 weeks in any 12-month period on the following basis:
 - ❖ Continuous
 - ❖ Intermittent (i.e., in blocks)
 - ❖ Reduced leave schedule (i.e., reducing number of hours per week or day)
- School breaks lasting one or more weeks do **not** count against the 12-week entitlement (i.e., spring break, Christmas, summer, thanksgiving).
- Brief holidays or closings that are less than a week **do** count against the 12-week entitlement (i.e., Labor Day, Easter).
- The 12-month period within which employees shall be eligible for 12-weeks of family and medical leave is defined by local policy DEC (Local).