

POST FALLS SCHOOL DISTRICT NO. 273

Series 600: Non-Certified Personnel: Leave and Absence

Policy No. 603.4

Policy Title: Family and Medical Leave Pursuant to the Family and Medical Leave Act of 1993

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A non-certified employee who has worked for the district for at least 12 months and has worked at least one thousand, two hundred, fifty (1,250) hours in the twelve (12) month period before taking leave, is eligible for twelve (12) work weeks of unpaid, job-protected leave during any twelve (12) month period for one or more of the following reasons:

1. The birth of an employee's child;
2. The placement of a child for adoption or foster care with the employee;
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
4. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
5. For qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of an employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

The twelve (12) month period in which the twelve (12) weeks of leave entitlement shall occur is a rolling twelve (12) month period measured backward from the date the employee uses any Family and Medical Leave Act leave, except that such measure may not extend back before August 5, 1993 and except as modified by the twelve (12) month measure for leave taken because of 1 or 2 above.

Service Member Family Leave: An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

Combined Leave Total: During the single 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave for Item 5 or Item 5 and any one of Items 1 through 4. Nothing in this paragraph shall be construed to limit the availability of leave for Items 1 through 4 during any other 12-month period.

Legal References: IC §33-1216; Pub L. 103-3 Family and Medical Leave Act of 1994 (FMLA); Pub L. 110-181 National Defense Authorization Act (NDAA) for FY2008; 29 C.F.R. Part 825 Implementing the Family Medical Leave Act of 1993

Applicable Procedural Regulations: 603.4a

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Amended: 7/14/08, 12/13/21

Reviewed: 2011, 2021