

# ***Dell Rapids School District #49-3***



## **Policies and Regulations Code: GCBDE-R – Personnel**

### **FAMILY AND MEDICAL LEAVE (FMLA) PROCEDURES**

The FMLA provides eligible employees up to twelve (12) work weeks (or up to twenty-six work weeks for military caregiver leave) of unpaid, job-protected leave during a rolling 12-month period measured backward.

#### Eligibility

1. Employee must have been employed by the District for at least twelve (12) months, and
2. Worked at least 1,250 hours in the twelve (12) months immediately preceding the start of FMLA leave.

#### Qualifying Reasons

An eligible employee may take FMLA for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or the birth of a child;
- To care for and bond with the employee's newborn child after birth, or for placement of a child with the employee for adoption or foster care, if taken within the first 12 months following the birth or placement;
- To care for the employee's spouse, child or parent with a serious health condition;
- For a serious health condition of the employee which renders the employee unable to perform the employee's job;
- To address a qualifying exigency (need) defined by federal regulation arising out of the active duty or call to active duty of a covered family member (spouse, son, daughter, parent or next of kin) who serves in a reserve component or as a retired member of the Regular Armed Forces or Reserve in support of a contingency operation; or
- To care for a covered family member (spouse, son, daughter, parent or next of kin) who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that may render the family member medically unfit to perform duties of his/her office, grade, rank or rating.

#### Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- An overnight stay in a hospital, hospice or residential medical care facility, or a period of incapacity requiring absence from work, school, or other regular daily activity for more than three consecutive full calendar days and continuing treatment by a health care provider;
- Pregnancy or prenatal care;
- Chronic conditions which require periodic visits for treatment by a health care provider (at least twice per year) and continues over an extended period of time and may cause episodic rather than continuing incapacity;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective which is under the continuing supervision of a health care provider (e.g. stroke, Alzheimer's, terminal stage of a disease); or
- Any period of absence to receive multiple treatments by a health care provider for restorative surgery or for a condition that would likely result in a period of incapacity of more than three full calendar days in the absence of medical treatment (e.g. chemotherapy, physical therapy, radiation)

### Concurrent Leave

Any leave taken by an eligible employee that qualifies under the FMLA will be designated as such. To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave. Once all available paid leave has been exhausted, the remainder of the 12 weeks (or 26 weeks for military caregiver) of leave will be unpaid. In addition, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) work week entitlement.

### Restrictions

When both husband and wife are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) work weeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) work weeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) work weeks when both an eligible husband and wife are employed by the District and are eligible for leave that involves a covered Armed Forces service member.

Depending on the date family and medical leave is to begin, instructional employees (as designated by federal regulation) may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave will not accumulate form year to year.

### Intermittent Leave/Reduced Hours

When medically necessary, family and medical leave may be taken intermittently or on a reduced hours basis. Employees are required to cooperate with the District to arrange reduced work schedules or intermittent leave so as to minimize disruption of the school day.

FMLA leave taken for bonding with a newborn child or a newly placed adopted or foster child may only be taken intermittently with the District's approval and must conclude within 12 months after the birth or placement.

### Continuation of Health Benefits

District payment of benefits during the duration of FMLA leave will be at the same level, and under the same conditions, coverage would have been provided if no leave was taken. The employee's share of the premium must continue to be paid by the employee while on leave. The employee share of premiums is due on the first day of the month of coverage. Payment is to be submitted to the Business Office. Coverage may be terminated for an employee who fails to make the required payment within thirty (30) days of the due date. If an employee fails to return to work at the conclusion of FMLA leave, the District may recover the premiums paid for coverage during the FMLA leave unless the failure to return to work was beyond the control of the employee.

### Job Restoration

Upon return from FMLA, most employees must be restored to the same job or one nearly identical to it, with equivalent pay, benefits, and other employment terms and conditions.

### Return to Work

As noted by the notice of eligibility and rights and responsibilities, when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for duty certification before returning to work.

Upon return to work, the employee shall be entitled to his/her same position, or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

### Notice to the District

An employee should inform his/her supervisor and the business office of the need for FMLA at least thirty (30) days in advance of the anticipated start date of the leave if the need for leave is foreseeable. If the need for leave is not foreseeable, the employee should provide notice as soon as possible. Employees must provide enough information so that the District can determine that the requested leave qualifies for FMLA protection.

### Notice to Employees

The District shall notify employees of family and medical leave provisions by posting appropriate notices in each worksite and distributing notices as required by law.

Once the District becomes aware that an employee's need for leave is a reason that may qualify under the FMLA, the District will notify the employee if he or she is eligible for FMLA.

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993."

Adopted: June 11, 2007  
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