

Personnel

Family and Medical Leaves

I. Purpose

This policy provides guidance regarding family and medical leaves of absence for school district employees in accordance with state law and federal law, master agreements and guidebooks, and district policy.

II. General Statement of Policy

The following procedures and policies regarding family and medical leave are adopted by the school district, pursuant to the requirements of the Family and Medical Leave Act of 1993 (“FMLA”) and consistent with pregnancy and parenting leave under state law.

III. Definitions

- A. For the purposes of the FMLA, an “eligible employee” means an employee who has been employed by the school district for a total of at least 12 months and who has worked at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.
- B. For the purposes of Minnesota pregnancy and parenting leave laws, an “eligible employee” has been employed by the district at least half-time for at least 12 months.
- C. A “year” is defined as a rolling 12-month period measured backward from the date an employee’s leave is to commence.

IV. Leave Entitlements

A. Twelve Workweeks Leave under the FMLA (federal law)

- 1. Eligible employees are entitled to a total of 12 workweeks of unpaid family and medical leave during the applicable 12-month period as defined below. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - a. birth of the employee’s child and to care for such child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee’s spouse, son, daughter, or parent with a serious health condition;
 - d. the employee’s serious health condition makes the employee unable to

perform the functions of the employee's job; and/or

- e. any qualifying exigency arising from the employee's spouse, son, daughter, or parent being on covered active duty, or notified of an impending call or order to covered active duty in the Armed Forces.
2. Spouses: In general, eligible spouses who are both employed by the school district are limited to an aggregate of 12 workweeks of leave during any 12-month period for the birth, care of or adoption of a child; the placement of a child for foster care; or to care for a parent with a serious health condition. Eligible spouses who both work for the district are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness.
3. Intermittent Leave: Depending on the type of leave, intermittent or reduced schedule leave may be granted at the discretion of the district or when medically necessary.
4. Serious Health Condition: If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification.
5. Health Insurance: During the period of designated FMLA leave, the district will provide health insurance under its group health plan under the same conditions that coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after FMLA leave may be required to reimburse the district for the cost of health insurance premiums paid by the district.
6. Paid Leave: The district may request or require the employee to substitute accrued paid leave for any part of the 12 workweek period. Employees may be allowed to substitute paid leave for unpaid leave.
7. Special Rules for Instructional Employees: An instructional employee who requests continuous leave near the end of a school term may be required to extend the leave through the end of the term. If an instructional employee begins leave for any purpose more than five weeks before the end of a term and it is likely the leave will last at least three weeks, the district may require that the leave be continued until the end of the term if the employee would otherwise return during the last three weeks of the term. If the instructional employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a term, the district may require that the leave be continued until the end of the term if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the term. If the instructional employee begins leave for a purpose other than the employee's own serious health condition

during the last three weeks of the term and the leave will last more than five working days, the district may require the employee to continue taking leave until the end of the term. The district will continue to fulfill the district's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

B. Twelve Workweeks Leave under Minnesota Pregnancy and Parenting Leave (state law)

1. An employee who does not qualify for parenting leave under the FMLA leave provisions may qualify for a 12-week unpaid leave, which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for prenatal care or incapacity due to pregnancy, childbirth, or related health conditions.
2. Health Insurance: The school district will continue to make insurance coverage available to the employee while on leave. The employee is responsible to pay the full cost of any insurance while on a leave of absence.

C. Twenty-Six Workweeks Leave for Military Caregiver Leave under the FMLA

1. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph is only available during a single 12-month period. For purposes of this leave, the need to care for a servicemember includes both physical and psychological care.
2. During a single 12-month period, an employee will be entitled to a combined total of 26 work weeks of leave under sections IV.A and IV.C above.

V. Dissemination of Policy

A poster summarizing the major provisions of the FMLA will be conspicuously posted in each district building in areas accessible to employees and on the job posting section of the district website to provide notice to applicants for employment.

Legal References:

- 10 U.S.C. § 101 et seq. (Armed Forces General Military Law)
- 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act)
- 38 U.S.C. § 101 (Definitions)
- 29 C.F.R. Part 825 (Family and Medical Leave Act)
- Minn. Stat. §§ 181.940-181.944 (Parenting Leave and Accommodations)

Policy

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