

Colorado Family and Medical Care Act Leave (Regulation)

This regulation should be read in conjunction with Policy GBGF.

Colorado Springs School District 11 (the District) seeks to comply with the requirements of the Colorado Family Care Act (the "FCA").

Leave taken under the regulation is referred to as FCA leave. FCA leave may be taken by eligible employees for the purpose of caring for a person who has a serious health condition, as that term is defined under the FMLA, if the person is either:

- (a) the employee's partner in a civil union, as defined under C.R.S. § 14-15-103; or
- (b) the employee's domestic partner and has registered the domestic partnership with the municipality in which the person resides or with the State of Colorado, as applicable

An employee is eligible to take FCA leave if the employee is an eligible employee as defined under the FMLA to take family and medical leave under the District's policies. The term "serious health condition" under this regulation is the same as used in the FMLA and the District's family and medical leave under the FMLA. As a general matter, the District intends to administer FCA leave in the same manner it administers employee leave for a serious health condition under the FMLA.

As provided in the FCA, the total amount of leave under the FMLA and leave under the FCA during a 12-month period shall not exceed the total amount of leave allowed under the FMLA for a serious health condition during the 12-month period (*i.e.* 12 workweeks of leave). This means that, if an employee has already taken his or her entire FMLA allotment of 12 workweeks during a 12-month period, and then has a need for leave qualifying under the FCA, the FCA does not provide the employee with a right to take additional FCA leave beyond the 12 workweeks already taken under the FMLA.

To the extent an employee is eligible for FCA leave and has utilized in the preceding 12-month period fewer than 12 weeks of leave under the FMLA, the employee may be eligible for FCA leave for a combined total of up to 12 workweeks of leave under the FMLA and FCA. If an employee has not used any FMLA leave in a 12-month period, the employee may take up to 12 weeks of FCA leave.

For purposes of confirming an employee's relationship to a person described above, for purposes of FCA leave, Human Resources may require reasonable documentation from the employee. Documentation may include, for example, written proof of registration of a domestic partnership or a copy of a civil union certificate. For the purpose of confirming the serious health condition of an employee's registered domestic partner or partner in a civil union, Human

Resources may require medical certification in the same manner as required by the District for leave under the FMLA.

Adopted September 11, 2014
Reviewed May 9, 2018

CROSS REF.: GBGF, Family and Medical Leave Act
GBGF-R-1, Regulation to Policy GBGF, Family and Medical Leave Act

LEGAL REFS.: 29 U.S.C. §2601 *et seq.* (Family and Medical Leave Act)
29 C.F.R. Part 825 (*regulations*)
C.R.S. § 8-13.3-201, *et seq.* (Family Care Act)
C.R.S. § 14-15-103, *et seq.* (Colorado Civil Union Act)