



LEAVES OF ABSENCE

When is a leave of absence request required?

- A completed leave of absence request form is required for all leaves of three (3) days or more;
- Leave Without Pay form is required when all paid leave **and** all OFLA/FMLA hours are exhausted;
- Leave must be approved (signed) by the supervisor first and then Human Resources;
- Leave with and without pay forms can be found at:

<http://www.nclack.k12.or.us/hr/page/human-resources-forms>

Signed and completed forms can be mailed to Human Resources (#955) or emailed to

leaves@nclack.k12.or.us

FAMILY MEDICAL LEAVE (OFLA/FMLA)

OFLA/FMLA forms can be found at:

<https://www.nclack.k12.or.us/departments/human-resources/employees/oflafmla>

Additional information can be found at:

https://www.oregon.gov/boli/TA/pages/t_faq_oregon_family_leave_act_01-2011.aspx

Employees eligible for FMLA leave under federal law and/or OFLA leave under state law are entitled to take up to **12 work weeks of leave within a 12-month period.***

What is the Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA)?

OFLA	FMLA
In accordance with <u>state law</u> , staff members employed by the district at least <u>180 calendar days prior to the first day of the family medical leave of absence and who have worked an average of 25 or more hours per week</u> may be eligible for OFLA leave.	In accordance with <u>federal law</u> , staff members employed by the district for the <u>previous 12 months and who have worked at least 1,250 hours during the year preceding the start of the leave</u> may be eligible for FMLA leave.

Application Process:

OFLA and FMLA

- Staff members requesting FMLA and/or OFLA leave shall submit to the district the OFLA/FMLA request form (found at: <https://goo.gl/o5q1gG>) **at least 30 days prior to the anticipated leave date and no later than 15 days after an emergency/unplanned leave.**
- Staff members are expected to schedule treatment, including intermittent leave and reduced hours, so as to not unduly disrupt the operation of the district.
- **FMLA:** If advance notice of FMLA leave is not possible due to a change in circumstances or medical



emergency, notice must be given as soon as practicable. “As soon as practicable” means at least oral notification to supervisor and Human Resources within one or two business days of when the leave becomes known to the employee. Failure to provide the required notice for FMLA leave may result in the district delaying the staff member’s leave for up to 30 days after the notice is ultimately given.

- **OFLA:** If advance notice of OFLA leave is not possible due to an unanticipated or emergency leave situation, oral or written notice to supervisor and Human Resources is required within 24 hours.
- The district realizes that there may be circumstances when it is not possible to provide a 24-hour oral notice. Therefore, the staff member may designate a family member or friend to notify Human Resources during that period of time. In either case, proper documentation must be submitted as soon as possible.

Medical Certification:

OFLA and FMLA
<ul style="list-style-type: none"> • If the staff member provides 30 or more days’ notice when applying for FMLA and/or OFLA leave, he/she shall be required to provide medical documentation to support the request for leave, also within 30 days of a known condition and not later than 15 days after an emergency condition. • The district will provide written notification to employee of this requirement within five working days of receipt of the medical provider’s certification. • If the staff member provides less than 30 days’ notice, he/she is required to submit such medical certification no later than 15 calendar days after receipt of the district’s notification that medical certification is required.

Return to Work:

OFLA and FMLA
<p>If the leave is for the purpose of an employee’s own serious health condition, he/she must provide a fitness for duty medical release from the health care provider before returning to work.</p> <p>Following a FMLA or OFLA leave, a staff member is generally entitled to be returned to his/her former position or to an equivalent job with equivalent benefits, pay, and other terms and conditions of employment, with certain exceptions. See Human Resources for details of this or any other provision of FMLA or OFLA leave.</p>

What qualifies as family leave?

OFLA	FMLA
<ul style="list-style-type: none"> • The staff member’s own serious health condition; • Care of a spouse, child, parent, parent-in-law, grandparent/child, or same sex domestic partner with a serious health condition; • Birth of the employee’s child – up to 12 weeks for pregnancy disability (the usual 	<ul style="list-style-type: none"> • The staff member’s own serious health condition; • Care of a spouse, child, or parent with a serious health condition; • Birth of the employee’s child – up to 12 weeks for pregnancy disability (the usual leave is a 6- to 8-week recovery period, depending on method of birth). In addition, up to 12 weeks



<p>leave is a 6- to 8-week recovery period, depending on method of birth). *In addition, up to 12 weeks for parental/baby bonding (parental leave eligibility expires 12 months after the birth);</p> <ul style="list-style-type: none"> • Placement of a child for adoption or foster care where the child is under 18 or older than 18 if incapable of self-care (eligibility expires 12 months after placement); • In order to care for a child (under 18 years of age) with <u>a condition requiring child care which does not meet the definition of serious health condition and is not life threatening or terminal (OFLA only)</u>; • A qualifying exigency (emergency) arising from an employee’s spouse, son, daughter, or parent who is a member of the National Guard or Reserves on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation; • To care for a spouse, son, daughter, parent, or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty or active duty in the armed forces. 	<p>for parental/baby bonding (parental leave eligibility expires 12 months after the birth);</p> <ul style="list-style-type: none"> • Placement of a child for adoption or foster care where the child is under 18 or older than 18 if incapable of self-care (eligibility expires 12 months after placement); • A qualifying exigency (emergency) arising from an employee’s spouse, son, daughter, or parent who is a member of the National Guard or Reserves on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation; • To care for a spouse, son, daughter, parent, or next of kin who is a covered service member with a serious illness or injury incurred in the line of duty or active duty in the armed forces.
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Who should I contact in Human Resources regarding my OFLA/FMLA leave request?

Last Name Beginning with A-Z	
Alexis Lewis – 503.353.6051 or email lewisale@nclack.k12.or.us	

What qualifies as OFLA sick child leave?

<p>OFLA ONLY</p> <p>OFLA allows time off to any <u>eligible</u> employee whose child requires home care for an illness or injury that is <u>not</u> a serious health condition as described by the Oregon Family Leave Act. Eligible employees include those that meet the OFLA eligibility requirements as defined in OAR 839-009-0280(2)(3).</p> <p>Absences for sick child leave are counted towards the leave entitlements allowed to the employee under OFLA. <u>FMLA has no provision allowing an employee time off to care for a sick child with an illness that is not a serious health condition.</u> OFLA sick child leave will not count against FMLA entitlements.</p>
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Examples of absences that qualify for Sick Child leave:

- Employee’s child suffers an illness or injury that does not require a doctor’s intervention, but the employee must remain at home to care for the child.

Examples of absences that DO NOT qualify for Sick Child leave:

- Routine medical and dental appointments (annual medical checkups, teeth cleaning, etc.) (employee may still use sick leave accruals for absences due to routine appointments);
- Babysitter fails to show up;
- School is not in session due to weather or other reasons;
- Time off to care for a child that has a condition that would be considered a “serious health condition” as defined under OFLA.

Timekeeping process:

- Employee is required to inform his/her supervisor and Human Resources that the absence is related to an illness or injury to his/her child;
- For timekeeping and leave tracking purposes, employee will select “OFLA/Sick Child (non-serious health condition only)” when entering absences due to NON-SERIOUS sick child leave.
- A note as to which child is being cared for under OFLA sick child needs to be added at the time the absence is **created and “OFLA sick child” is used as the absence reason.**

Medical Verification:

- Employee may be required to provide medical verification after the third occurrence of sick child leave in a leave year. Leave year is defined as the immediate preceding 12 months each time an employee takes family leave.

Does OFLA/FMLA provide additional paid leave?

OFLA AND FMLA

No. Paid leave will be used concurrently with OFLA/FMLA approved leave hours. It will be used as follows: sick leave, business/emergency/personal, and vacation (if accrued). The district will notify the employee that the requested leave has been designated as FMLA and/or OFLA leave and that accrued paid leave shall be used during the OFLA/FMLA leave period.

How does district bereavement leave and OFLA bereavement leave work together?

- District bereavement leave of 3 or 5 days (depending on if travel is required out of state) will run concurrently with OFLA bereavement leave (10 work days total).
- Employees are required to use available leave balances (sick, personal) to receive pay for the additional days not paid by the District.