

FAMILY AND MEDICAL LEAVE ACT

The District will comply with the Family and Medical Leave Act.

Twelve-Month Leave Description

Eligible employees may request, and upon approval use, unpaid family and medical leave in accordance with and for the applicable duration guaranteed by the federal Family and Medical Leave Act. Unless subject to an exception in law, FMLA shall be made available for up to a combined total of 12 weeks or based on district's insurance calendar year.¹

Use of Other Leaves

Other available and applicable paid vacation, personal, family, sick or other paid leave may be substituted for family and medical leave necessitated by birth, adoption/foster care placement, a family member's serious health condition, an employee's own serious health condition, qualifying exigency, or to care for covered service member in accordance with law. Any substitution required by this policy shall count against the employee's family and medical leave entitlement. The District shall pay family leave or sick leave only under circumstances permitted by the applicable leave policy.²

Medical & Qualifying Exigency Certification

The principal may request medical certification for an employee's or their spouse's, parent's, child's, or, when applicable, next of kin's serious health condition and shall do so in accordance with federal law and district regulations. The principal may also request qualifying exigency certification when an employee requests such leave.³

Notice of Leave

An employee shall provide notice in accordance with regulations. If deemed necessary, the principal may waive notice requirements.⁴

Employee Benefits During Leave

The District shall maintain the employee's coverage under any group health plan on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period. The District shall also continue making payroll deductions if the employee contributes to a life insurance or disability plan

¹29 U.S.C. 2612, 29 C.F.R. 825.200. The Family and Medical Leave Act (FMLA) permits employers to choose among 4 methods for determining a 12-month period in which the 12-week entitlement occurs. A district may wish to define a year based on its insurance contribution calendar rather than the fiscal year to avoid having to pay health insurance contributions twice to employees who are on a leave for just one school year.

²This paragraph presents only one of many alternatives available under the FMLA. The FMLA and its implementing regulations permit an employee to choose to substitute paid leave for FMLA leave and an employer to require an employee to substitute paid leave for FMLA leave 29 U.S.C. 2612(d), 29 C.F.R. 825.207. The sample policy, in the interests of clarity and limiting absences, requires this substitution.

³ This paragraph is optional. Medical certification is allowed by 29 C.F.R. 825.208, 825.302, 825.305, and 825.311.

⁴ 29 C.F.R. 825.304. Districts may waive the notice requirements.

RECOMMENDED

Descriptor Code: DDAA

(or other benefits). The employee must continue to make premium payments per District instructions during any unpaid portions of leave to maintain benefits.

Return to Work

An employee returning from family and medical leave shall be given a position equivalent to their position before the leave, subject to the district's reassignment policies, negotiated agreement, and practices.⁵ Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.⁶

Implementing Procedures

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

Recordkeeping

The Superintendent shall ensure that records are kept according to the requirements contained in law.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DDA, Sick Leave
- DDAA-BR, Family and Medical Leave Act Regulations
- DDAA-E1, Family and Medical Leave Act Law
- DDAA-E2, FMLA Poster and Forms
- DFC, Transfer and Reassignment

End of Manvel School District #125 Policy DDAA

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Updated 7/12/21

⁵ 29 C.F.R. 825.214 and 825.604. See definition of equivalent position in FMLA exhibit.

⁶ 29 C.F.R. 825.602. See regulations for guidelines.