

Title: Family and Medical Leave Act

Leaves of Absence Under the Family and Medical Leave Act

The District will provide eligible employees with up to twelve (12) weeks of family and medical leave per year as required by the Family and Medical Leave Act of 1993 (“FMLA”). Such leave is available for the following purposes: (1) for the birth of a son or daughter and to care for the newborn child; (2) for placement with the employee of a son or daughter for adoption or foster care; (3) to care for an employee’s spouse, son, daughter, or parent with a serious health condition; (4) for a serious health condition that makes the employee unable to perform the functions of the employee’s job and (5) For any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty status as a covered service member in support of a contingency operation. The District will provide an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to twenty-six (26) weeks of leave in a single 12-month period, as defined under the FMLA, to care for the covered service member. The terms used in this policy shall have the same meaning as defined by the FMLA and its regulations. There are special rules under FMLA for employees of schools which may apply.

Any employee requesting or receiving family and medical leave shall be required to sign and submit to the Benefits Specialist a written request form selected by the administration. The District reserves the right to designate any leave that is taken for one of the purposes set forth above as FMLA leave even if the employee requesting leave does not designate the leave as family and medical leave. Furthermore, any employee on family and medical leave is required to concurrently use and exhaust any applicable paid leave that is otherwise available to the employee including, but not limited to, paid sick leave as provided in the Agreement with each employee group.

Any family and medical leave in excess of the available paid leave shall be unpaid. The District also reserves the right to require employees to provide medical certification in support of any request for family and medical leave to the extent and manner outlined by the FMLA.

The District shall continue an employee’s insurance during any period of family and medical leave to the extent and on the terms required by the FMLA. Upon return to work, the employee

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hereby authorizes the District to deduct from the employee's paycheck any amounts not contributed or otherwise due by the employee because the District continued the employee's coverage during the entire family and medical leave period to ensure restoration as required by the FMLA. If the employee does not return to work at the end of the leave (except for the reasons specified in the FMLA), the employee shall be required to reimburse the District for any contributions made by the District while the employee was on unpaid family and medical leave and hereby authorizes the District to deduct any amount that is due and owing from the employee's final paycheck or any other amounts due the employee.

For purposes of this policy, "year" shall be defined as any 12-month period. Family and medical leave to care for a healthy newborn, adopted or foster child must conclude within twelve (12) months of the birth or placement of the child and cannot be taken on an intermittent or reduced schedule basis.

Cross References:

Legal References:

The Family and Medical Leave Act of 1993 (FMLA), Service Member Caregiver and Family Leave, 2008; 29 CFR Part 825

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