FAMILY AND MEDICAL LEAVE ACT

Consistent with the federal Family and Medical Leave Act (FMLA) of 1993 as amended, the Board of Education recognizes the right of eligible employees to unpaid, job protected family and medical leave for up to twelve (12) workweeks during a twelve (12) month period. The Board shall ensure that all eligible employees who use such leave shall have their health benefits continued and shall be returned to an equivalent position according to established Board practices, policies and collective bargaining agreements. For an employee to be eligible, he or she must have been employed by the District for at least twelve (12) months and have worked for the District for at least 1,250 hours during the prior twelve (12) months.

The twelve (12) month FMLA period shall be designated as July 1<sup>st</sup> through June 30<sup>th</sup>, the district’s fiscal year.

FMLA leave shall be granted for the following reasons:

1. the birth and care of a newborn child of the employee;
2. the adoption or foster placement of a child;
3. to care for an employee's spouse, parent, or son or daughter with a serious health condition;
4. due to a serious health condition that makes the employee unable to perform the essential functions of the employee’s job;
5. for a qualifying exigency as defined in law and regulation, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty).

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 twenty six (26) workweeks of unpaid, job protected leave in a single twelve (12) month period to care for the service member who is seriously ill or injured in the line of duty.

When both a husband and wife are employed by the District, they are restricted to a total of twelve (12) work weeks for FMLA leave when taken for the following reasons:

1. the birth of a son or daughter and bonding with the newborn child;
2. the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child; or
3. the care of a parent with a serious health condition.

Where available, subject to the conditions of the FMLA and when authorized under the applicable provisions of an eligible employee's collective bargaining agreement, an employee may request, and/or the District may require the employee, to use accrued leave (such as vacation, personal, family and sick leave) to run concurrently with FMLA leave so that it covers some or all of the FMLA leave period. Use of such leave must comply with the terms and conditions of the District's leave policy, practices and/or any applicable collective bargaining agreements.
During the FMLA leave, health benefits are to be provided at the level and under the conditions of coverage that would have been provided had the employee continued in employment during the period of leave. However, if the employee fails to return from leave, the District may recapture the health care premiums that it paid during the employee's leave. The District will not recapture the premiums of an employee who fails to return to work because of the onset, continuation or recurrence of a serious health condition of the employee or family member, or other circumstances beyond the control of the employee.

Any employee who uses unpaid leave for FMLA leave will not accrue seniority during the FMLA leave.

The District has a right to thirty (30) days advance notice from the employee where practicable. If such leave is not foreseeable then the employee shall give such notice as is practical. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

The District may require an employee to submit certification from the health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The District may also require that the employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition.

The Board shall ensure that family and medical leave, consistent with the Family and Medical Leave Act, is provided to all eligible employees. Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force.

Ref: 29 U.S.C. §§2601-2654, the Family and Medical Leave Act of 1993
29 CFR Part 825

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