

1 Great Falls School District

2
3 **PERSONNEL**

5328

4
5 Family Medical Leave

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7 In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence
8 of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible
9 employee. Military Caregiver Leave allows for 26 weeks of leave in a single 12-month period.

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11 Employer Notice Requirement (29 C.F.R. §825.300)

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13 Employers are required to provide employees with notice explaining the FMLA through a poster
14 and either a handbook or information upon hire. If an employee requests FMLA leave, an
15 employer must provide notice to the employee within five (5) business days of whether the
16 employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA,
17 the employer must provide a reason. The employer must also provide a rights and responsibilities
18 notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved
19 by the employer, it must provide the employee with a designation notice stating the amount of
20 leave that will be counted against an employee's FMLA entitlement.

21
22 Reasons for Taking Leave

- 23
24 1) The birth of a child;
25 2) The placement of a child for adoption or foster care;
26 3) A serious health condition that makes the employee unable to perform the functions of the job;
27 4) To care for the employee's spouse, child or parent with a serious health condition;
28 5) Because of a qualifying exigency arising out of the fact that the spouse, or a son, daughter, or
29 parent of the employee is on active duty (or has been notified of an impending call or order to
30 active duty) in the Armed Forces in support of a contingency operation;
31 6) Military Caregiver Leave – allows an eligible employee who is the spouse, son, daughter,
32 parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a
33 total of 26 workweeks of unpaid leave during a “single twelve (12)-month period” to provide
34 care for the servicemember.

35
36 Employee Eligibility

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38 An employee is eligible to take FMLA leave if the employee has been employed for at least
39 twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during
40 the twelve (12) months immediately prior to the date when the leave is requested.

41
42 Coordination of Paid Leave

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44 Employees will be required to use appropriate paid leave concurrently while on FMLA Leave.
45 Workers' Compensation absences will be designated FMLA Leave if eligibility requirements are
46 met.

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1 The Board has determined that the twelve-(12)-month period during which an employee may
2 take FMLA leave is a rolling 12-month period measured backwards from the date an employee
3 uses any FMLA leave.

4 5 Medical Certification

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7 The District will require medical certification to support a request for leave or any other absence
8 because of a serious health condition (at employee expense), and may require second or third
9 opinions (at the District's expense) and a fitness for duty report to return to work. The District
10 requires that a request for Military Caregiver Leave be supported by a certification issued at such
11 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a
12 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of
13 such certification to the employer.

14 15 **When Both Spouses Are District Employees**

16 When spouses work for the same employer and each spouse is eligible to take FMLA leave, the
17 FMLA limits the combined amount of leave they may take for some, but not all, FMLA-
18 qualifying leave reasons.

19
20 For purposes of FMLA leave, spouse means a husband or wife as defined or recognized in the
21 state where the individual was married and includes individuals in a common law or same-sex
22 marriage. Spouse also includes a husband or wife in a marriage that was validly entered into
23 outside of the United States, if the marriage could have been entered into in at least one state.

24
25 Eligible spouses who work for the same employer are limited to a combined total of 12
26 workweeks of leave in a 12-month period for the following FMLA-qualifying reasons:

- 27 • The birth of a son or daughter and bonding with a newborn child,
- 28 • The placement of a son or daughter with the employee for adoption or foster care and
29 bonding with the newly-placed child, and
- 30 • The care of a parent with a serious health condition.

31
32 Eligible spouses who work for the same employer are also limited to a combined total of 26
33 workweeks of leave in a single 12-month period to care for a covered servicemember with a
34 serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a
35 parent, spouse, son or daughter, or next of kin of the servicemen. When spouses take military
36 caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the
37 combined limitations for the reasons for leave listed above.

38
39 The limitation on the amount of leave for spouses working for the same employer does not apply
40 to FMLA leave taken for some other qualifying reasons. Eligible spouses who work for the same
41 employer are each entitled to up to 12 workweeks of FMLA leave in a 12-month period, without
42 regard to the amount of leave their spouses use, for the following FMLA-qualifying leave
43 reasons:

- 44
45 • The care of a spouse or son or daughter with a serious health condition;

- 1 • A serious health condition that makes the employee unable to perform the essential
- 2 functions of his or her job; and
- 3 • Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter,
- 4 or parent is a military member on “covered active duty.”

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6 **Advance Notice** - Employees must provide thirty (30) days advance notice when the leave is
7 “foreseeable.” In other situations, an employee must give notice as soon as practicable. Leave
8 may be allowed in emergency situations when no advance warning is possible. Inexcusable
9 delays in notifying the District may result in the delay or denial of leave.

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11 **Intermittent/Reduced Leave** - FMLA leave may be taken “intermittently or on a reduced leave
12 schedule” under certain circumstances. Where leave is taken because of birth or placement of a
13 child for adoption or foster care, an employee may not take leave intermittently or on a reduced
14 leave schedule. Where FMLA leave is taken to care for a sick family member or for an
15 employee’s own serious health condition, leave may be taken intermittently or on a reduced
16 leave schedule when medically necessary. An employee may be reassigned to accommodate
17 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced
18 leave schedule, increments will be limited to the shortest period of time that the District’s payroll
19 system uses to account for absences or use of leave.

20
21 **Insurance** - An employee out on FMLA leave is entitled to continued participation in the
22 appropriate group health plan. If the employee is in unpaid leave status it is incumbent upon the
23 employee to continue paying the usual premiums throughout the leave period. An employee’s
24 eligibility to maintain health insurance coverage will lapse if the premium payment is more than
25 thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before
26 coverage will cease.

27
28 **Return** - Upon return from FMLA leave, reasonable effort shall be made to place the employee
29 in the original or equivalent position with equivalent pay, benefits, and other employment terms.

30
31 **Record Keeping** - Employees, supervisors and building administrators will forward requests,
32 forms and other material to Human Resources to facilitate proper record keeping.

33
34 **Non-Work Days** – During non-work days, such as summer vacation and holidays, the
35 employee’s FMLA leave entitlement will not be invoked.

36 **SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

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39 **Leave More Than Five (5) Weeks Before End of Term** - If an instructional employee begins
40 FMLA leave more than five (5) weeks before the end of term, the District may require the
41 employee to continue taking leave until the end of a semester term if:

- 42
- 43 (a) the leave is at least three (3) weeks; and
- 44 (b) the employee’s return would take place during the last three-(3)-week period of
- 45 the semester term.
- 46

1 **Leave Less Than Five (5) Weeks Before End of Term** - If an instructional employee begins
2 FMLA leave for a purpose other than that employee's own serious health condition less than five
3 (5) weeks before the end of term, the District may require the employee to continue taking leave
4 until the end of a semester term if:

- 5
6 (a) the leave is longer than two (2) weeks; and
7 (b) the employee's return would take place during the last two-(2)-week period of the
8 semester term.
9

10 **Leave Less Than Three (3) Weeks Before End of Term** - If an instructional employee begins
11 FMLA leave for a purpose other than that employee's own serious health condition less than
12 three (3) weeks before the end of term, the District may require the employee to continue taking
13 leave until the end of the academic term if the leave is longer than five (5) days.
14

15 **Intermittent or Reduced Leave** - Under certain conditions, an instructional employee needing
16 intermittent or reduced leave for more than twenty percent (20%) of the total working days over
17 the leave period may be required by the District to:

- 18
19 (a) Take leave for a period(s) of particular duration not to exceed the duration of
20 treatment; or
21 (b) Transfer to an alternate but equivalent position.
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23 In the event the District approves Family Medical Leave for an employee who is not eligible, the
24 leave can be canceled with reasonable notice to the employee.
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26 Cross References:

27 Policy 5321	Leaves of Absence
28 Policy 5321R	Conditions for Use of Leave Policy
29 Policy 5322	Military Leave
30 Policy 5329	Illness Leave/Temporary Disability Leave
31 Policy 5330	Maternity Leave

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33 Legal Reference:

34 29 U.S.C §2601, et seq.	Family and Medical Leave Act of 1993
35 29 C.F.R. Part 825,	Family and Medical Leave Regulations
36 §§2-18-601, et seq., MCA	Leave Time
37 §§49-2-301, et seq., MCA	Prohibited Discriminatory Practices
38 Section 585 – National Defense Authorization Act for FY 2008, Public Law [110-181]	

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41 Policy History:

42 Adopted on: July 1, 2000
43 Revised on: July 14, 2008
44 Revised on: August 20, 2018
45 Revised on: August 23, 2021