

REQUESTING LEAVE

Employees must comply with the district's usual and customary requirements for requesting leave and provide enough information for the district to reasonably determine whether the FMLA may apply to the leave request. Sufficient information may include, but is not limited to, any of the following: (i) the employee is unable to perform job functions or duties; (ii) a family member is unable to perform daily activities; (iii) the need for hospitalization or continuing treatment by a health care provider; or (iv) circumstances supporting the need for military family leave.

Employees generally must request leave thirty (30) days in advance when the need for leave is foreseeable. Examples of foreseeable leave requests include, but are not limited to: birth, adoption or placement in foster care; scheduled surgeries; or scheduled treatments for long-term illness such as cancer. In other circumstances, employees must provide notice as soon as possible and practicable under the circumstances. Inexcusable delays in notifying the district may result in the delay or denial of leave.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

NOTICE OF APPROVAL/DENIAL OF LEAVE

The district will notify an employee requesting FMLA leave whether he/she is eligible for leave and, if so, any additional information necessary to process the leave request. Notices of approval of FMLA leave will include the amount of leave counted against the employee's leave entitlement. Employees approved for FMLA leave will also be notified of their rights and responsibilities under the FMLA and district policy. When an FMLA leave request is denied, the district will notify the employee of the reason(s). If leave is granted under another district policy/procedure, the employee will be so notified and such notice will include a statement that the leave is not FMLA-protected.

USE OF ACCRUED PAID LEAVE

Once it has been determined that the leave is for an FMLA-qualifying reason, any accrued paid leave, such as sick or vacation leave, used by an employee for absences which qualify for FMLA coverage will be counted as FMLA leave, unless the district determines otherwise.

SPOUSES EMPLOYED BY DISTRICT

If the district employs spouses, each are entitled to a total of twelve (12) weeks of FMLA leave during a twelve-month (12-month) period. However, where the reason for the leave is for the

birth of a child, or because of adoption or foster care, or to care for a sick parent, such leave may be limited to an aggregate of twelve (12) weeks between the married employees, which can be divided any way they choose and can be overlapping. Both employees are eligible to take their remaining weeks of FMLA leave for another FMLA-qualifying purpose.

INTERMITTENT OR REDUCED LEAVE SCHEDULE

The district will comply with the mandates of FMLA, including any special rules which may apply regarding the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term by instructional employees. Intermittent leave means to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee.

When the leave is foreseeable based on planned medical treatment (either for the employee or a family member of the employee), an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the district to:

1. Take leave for a period(s) of a particular duration not to exceed the duration of the planned medical treatment; or
2. Transfer temporarily to an alternate but equivalent position for which the employee is qualified.

As an example, a teacher who normally works five (5) days per week needing to take two (2) days of FMLA leave per week over a four-week period would be subject to the special requirements set forth above because the teacher would be on leave for more than 20 percent of the total number of working days during the period over which the leave extends.

The district will consider requests by employees for intermittent leave or leave on a reduced leave schedule on a case-by-case basis.

LEAVE DURING PERIODS NEAR THE CONCLUSION OF THE ACADEMIC TERM

The following special rules apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by the district or school:

1. Leave more than five (5) weeks prior to end of term. If the eligible employee begins leave more than five (5) weeks prior to the end of the academic term, the district or school may require the employee to continue taking leave until the of the term if the leave is at least three (3) weeks in duration and the return to employment would occur during the 3-week period of the term.

2. Leave less than five (5) weeks prior to end of term. If the eligible employee begins leave less than five (5) weeks prior to the end of the academic term, the district or school may require the employee to continue taking leave until the end of the term if the leave is of greater than two (2) weeks duration and the return to employment would occur during the 2-week period before the end of the term.
3. Leave less than three (3) weeks prior to end of term. If the eligible employee begins leave less than three (3) weeks prior to the end of the academic term and the duration of the leave is greater than five (5) working days, the district or school may require the employee to continue to take leave until the end of the term.

HEALTH INSURANCE COVERAGE

The district will continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. It is incumbent on the employee to continue paying the portion of the premiums the employee usually pays, if any, throughout the leave period. An employee's eligibility to maintain health insurance coverage will lapse if the premium payment is not paid in accordance with the terms of the insurance agreement. The district will provide any necessary notice of termination of such insurance coverage due to the employee's failure to pay his/her portion of the premium or the employee's request for termination of coverage. Such notice will be provided at least fifteen (15) days prior to the termination of coverage.

CERTIFICATION

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition the district may require certification in support of the leave from a health care provider. The district may require second or third opinions, at district expense, prior to approval of a request for leave. The district may also require periodic recertification of a serious health condition. The district may also require a fitness for duty certification prior to the employee's return to work.

JOB RESTORATION

Upon return from FMLA leave, the employee will be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave will not be counted against the employee under a "no-fault" attendance policy.

RECORD KEEPING

The district will maintain all requests, forms and other information related to FMLA leave in accordance with applicable state and federal law and district policies. Forms are available through the [select one: business office, HR, or other office/person].

SCHEDULED BREAKS

Summer break, Christmas break or other scheduled non-workdays or weeks when an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.



LEGAL REFERENCE:

Idaho Code Sections

33-1216 – Sick and Other Leave

29 U.S.C. §§2601 et seq. – Family and Medical Leave Act of 1993

29 CFR Part 825 – Regulations Implementing the FMLA

ADOPTED: May 13, 2024

AMENDED: