

DDAA: Family & Medical Leave

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 beginning August 1 and ending July 31 of the next year.

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.¹

Medical and Qualifying Exigency Certification

The superintendent or building 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 {supervisor} {{building} principal} may also request qualifying exigency certification when an employee requests such leave.²

Notice of Leave

An employee shall provide notice in accordance with regulations. If deemed necessary, the superintendent or building principal may waive notice requirements.³

Employee Benefits During Leave

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

¹This 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.

² This paragraph is optional. Medical certification is allowed by 29 C.F.R. 825.208, 825.302, 825.305, and 825.311.

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

**Divide County
School District**

**POLICY ADOPTED: 11/15/2010
POLICY REAFFIRMED:**

Footnotes for Policy DDAA

¹ 29 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.

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