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3 **PERSONNEL**

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5 Family Medical Leave

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7 Who Is Eligible

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9 Employees are eligible if they have worked for the District for at least one (1) year, and for one
10 thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have
11 been at least fifty (50) District employees within seventy-five (75) miles for each working day
12 during twenty (20) or more workweeks in the current or preceding calendar year.

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14 Benefit

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16 Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12)
17 weeks or twenty-six (26) weeks leave with continuing participation in the District's group
18 insurance plan.

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20 Reasons for Taking Leave

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22 Unpaid leave will be granted to eligible employees for any of the following reasons:

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24 a. To care for the employee's child after birth, or placement for adoption or foster care;
25 b. To care for the employee's spouse, child, or parent (does not include parents-in-law) who
26 has a serious health condition;
27 c. For a serious health condition that makes the employee unable to perform the employee's
28 job;

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30 Military Family Leave

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32 a. Military caregiver leave

- 33 1. An eligible employee who is a relative of a servicemember can take up to twenty-
34 six (26) weeks in a twelve-(12)-month period in order to care for a covered
35 servicemember who is seriously ill or injured in the line of duty.

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37 b. Qualified exigency leave (only applies to eligible employees with family members who
38 are in the National Guard or Reserves, not the Regular Armed Forces)

- 39 1. An eligible employee can take up to the normal twelve (12) weeks of leave, if a
40 family member who is a member of the National Guard or Reserve is called up to
41 active duty on a contingency mission.
42 2. Qualifying exigencies include:
43 a. Short-notice deployment;
44 b. Military events and related activities;
45 c. Childcare and school activities;
46 d. Financial and legal arrangements;

- e. Counseling;
- f. Rest and recuperation;
- g. Post-deployment activities; and
- h. Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

- a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
- b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
- c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
- d. Whenever appropriate workers' compensation absences shall be designated FMLA leave.
- e. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

When Both Parents Are District Employees

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken: (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve-(12)-month period for servicemember leave or a combination of exigency and servicemember leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.

Employee Notice Requirement

The employee must follow the employer's standard notice and procedural policies for taking FMLA.

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

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an

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4 employer must provide notice to the employee within five (5) business days of whether the
5 employee meets the FMLA eligibility requirements. If an employee is not eligible to take
6 FMLA, the employer must provide a reason. The employer must also provide a rights and
7 responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA
8 leave is approved by the employer, it must provide the employee with a designation notice
9 stating the amount of leave that will be counted against an employee's FMLA entitlement.

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11 Notice for Leave Due to Active Duty of Family Member

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13 In any case in which the necessity for leave is foreseeable, whether because the spouse or a son,
14 daughter, or parent of the employee is on active duty or because of notification of an impending
15 call or order to active duty in support of a contingency operation, the employee shall provide
16 such notice to the employer as soon as is reasonable and practicable.

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18 Requests

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20 A sick leave request form is to be completed whenever an employee is absent from work for
21 more than three (3) days or when an employee has need to be absent from work for continuing
22 treatment by (or under the supervision of) a health care provider.

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24 An employer may require that a request for leave be supported by a certification issued at such
25 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a
26 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of
27 such certification to the employer.

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29 Medical Certification

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31 The District will require medical certification to support a request for leave or any other absence
32 because of a serious health condition (at employee expense) and may require second (2nd) or
33 third (3rd) opinions (at the employer's expense) and a fitness-for-duty report or return-to-work
34 statement.

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36 Intermittent/Reduced Leave

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38 FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain
39 circumstances. Where leave is taken because of birth or placement of a child for adoption or
40 foster care, an employee may take leave intermittently or on a reduced leave schedule only with
41 District approval. Where FMLA leave is taken to care for a sick family member or for an
42 employee's own serious health condition, leave may be taken intermittently or on a reduced
43 leave schedule when medically necessary. An employee may be reassigned to accommodate
44 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced
45 leave schedule, increments will be limited to the shortest period of time that the District's payroll
46 system uses to account for absences or use of leave.

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4 Insurance
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6 An employee out on FMLA leave is entitled to continued participation in the appropriate group
7 health plan, but it is incumbent upon the employee to continue paying the usual premiums
8 throughout the leave period. An employee's eligibility to maintain health insurance coverage will
9 lapse if the premium payment is more than thirty (30) days late. The District will mail notice of
10 delinquency at least fifteen (15) days before coverage will cease.

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12 Return
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14 Upon return from FMLA leave, reasonable effort shall be made to place the employee in the
15 original or equivalent position with equivalent pay, benefits, and other employment terms.

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17 Recordkeeping
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19 Employees, supervisors, and building administrators will forward requests, forms, and other
20 material to payroll to facilitate proper recordkeeping.

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22 Summer Vacation
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24 The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee
25 would not have been required to work will not count against that employee's FMLA leave
26 entitlement.

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28 ***SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES***
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30 Leave More Than Five (5) Weeks Before End of Term
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32 If an instructional employee begins FMLA leave more than five (5) weeks before the end of
33 term, the District may require the employee to continue taking leave until the end of a semester
34 term, if:

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36 a. The leave is at least three (3) weeks; and
37 b. The employee's return would take place during the last three-(3)-week period of the
38 semester term.

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

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46 a. The leave is longer than two (2) weeks; and

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4 b. The employee's return would take place during the last two-(2)-week period of the
5 semester term.
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7 Leave Less Than Three (3) Weeks Before End of Term
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9 If an instructional employee begins FMLA leave for a purpose other than that employee's own
10 serious health condition less than three (3) weeks before the end of term, the District may require
11 the employee to continue taking leave until the end of the academic term if the leave is longer
12 than five (5) days.
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14 Intermittent or Reduced Leave
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16 Under certain conditions, an instructional employee needing intermittent or reduced leave for
17 more than twenty percent (20%) of the total working days over the leave period may be required
18 by the District to:
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- 20 a. Take leave for a period(s) of particular duration not to exceed the duration of treatment;
21 or
22 b. Transfer to an alternate but equivalent position.
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26 Procedure History:

27 Promulgated on: March 8, 2006
28 Reviewed on: August 11th, 2008
29 Revised on: August 12th, 2009