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3 **PERSONNEL**

4
5 Family Medical Leave

6
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;
29 d. To care for the employee's spouse, children, parents, or next of kin wounded while
30 serving in the U.S. military; or
31 e. When leave is due to a "qualifying exigency."

32
33 Substitution of Paid Leave

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

- 36
37 a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that
38 is taken for a serious health reason as described in (b) or (c) above.
39 b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave
40 that is taken for a family reason as described in (a) above.
41 c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the
42 FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District
43 policy or an applicable collective bargaining agreement.
44 d. Whenever appropriate workers' compensation absences shall be designated FMLA leave.
45 e. Servicemember FMLA runs concurrent with other leave entitlements provided under
46 federal, state, and local law.

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4 When Both Parents Are District Employees
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6 If both parents of a child are employed by the District, they each are entitled to a total of twelve
7 (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time,
8 and only if leave is taken: (1) for the birth of a child or to care for the child after birth; (2) for
9 placement of a child for adoption or foster care, or to care for the child after placement; or (3) to
10 care for a parent (but not a parent-in-law) with a serious health condition.
11

12 If spouses are employed by the same employer, the aggregate number of weeks of leave that can
13 be taken is twenty-six (26) weeks in a single twelve (12) month period for serviceperson leave or
14 a combination of exigency and serviceperson leave. The aggregate number of weeks of leave
15 that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if
16 for exigency leave only.
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18 Advance Notice
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20 Employees must provide thirty (30) days advance notice when the leave is “foreseeable.” In
21 other situations an employee must give notice as soon as practicable. Leave may be allowed in
22 emergency situations when no advance warning is possible. Inexcusable delays in notifying the
23 District may result in the delay or denial of leave.
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25 Notice for Leave Due to Active Duty of Family Member
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27 In any case in which the necessity for leave is foreseeable, whether because the spouse or a son,
28 daughter, or parent of the employee is on active duty or because of notification of an impending
29 call or order to active duty in support of a contingency operation, the employee shall provide
30 such notice to the employer as soon as is reasonable and practicable.
31

32 Requests
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34 A sick leave request form is to be completed whenever an employee is absent from work for
35 more than three (3) days or when an employee has need to be absent from work for continuing
36 treatment by (or under the supervision of) a health care provider.
37

38 An employer may require that a request for leave be supported by a certification issued at such
39 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a
40 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of
41 such certification to the employer.
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43 Medical Certification
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45 The District will require medical certification to support a request for leave or any other absence
46 because of a serious health condition (at employee expense) and may require second (2nd) or

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4 third (3rd) opinions (at the employer's expense) and a fitness-for-duty report or return-to-work
5 statement.

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7 Intermittent/Reduced Leave
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9 FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain
10 circumstances. Where leave is taken because of birth or placement of a child for adoption or
11 foster care, an employee may take leave intermittently or on a reduced leave schedule only with
12 District approval. Where FMLA leave is taken to care for a sick family member or for an
13 employee's own serious health condition, leave may be taken intermittently or on a reduced
14 leave schedule when medically necessary. An employee may be reassigned to accommodate
15 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced
16 leave schedule, increments will be limited to the shortest period of time that the District's payroll
17 system uses to account for absences or use of leave.
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19 Insurance
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21 An employee out on FMLA leave is entitled to continued participation in the appropriate group
22 health plan, but it is incumbent upon the employee to continue paying the usual premiums
23 throughout the leave period. An employee's eligibility to maintain health insurance coverage will
24 lapse if the premium payment is more than thirty (30) days late. The District will mail notice of
25 delinquency at least fifteen (15) days before coverage will cease.
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27 Return
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29 Upon return from FMLA leave, reasonable effort shall be made to place the employee in the
30 original or equivalent position with equivalent pay, benefits, and other employment terms.
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32 Recordkeeping
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34 Employees, supervisors, and building administrators will forward requests, forms, and other
35 material to payroll to facilitate proper recordkeeping.
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37 Summer Vacation
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39 The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee
40 would not have been required to work will not count against that employee's FMLA leave
41 entitlement.
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43 ***SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES***
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45 Leave More Than Five (5) Weeks Before End of Term
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4 If an instructional employee begins FMLA leave more than five (5) weeks before the end of
5 term, the District may require the employee to continue taking leave until the end of a semester
6 term, if:

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

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12 Leave Less Than Five (5) Weeks Before End of Term

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14 If an instructional employee begins FMLA leave for a purpose other than that employee's own
15 serious health condition less than five (5) weeks before the end of term, the District may require
16 the employee to continue taking leave until the end of a semester term, if:

- 17
18 a. The leave is longer than two (2) weeks; and
19 b. The employee's return would take place during the last two-(2)-week period of the
20 semester term.

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22 Leave Less Than Three (3) Weeks Before End of Term

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24 If an instructional employee begins FMLA leave for a purpose other than that employee's own
25 serious health condition less than three (3) weeks before the end of term, the District may require
26 the employee to continue taking leave until the end of the academic term if the leave is longer
27 than five (5) days.

28
29 Intermittent or Reduced Leave

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31 Under certain conditions, an instructional employee needing intermittent or reduced leave for
32 more than twenty percent (20%) of the total working days over the leave period may be required
33 by the District to:

- 34
35 a. Take leave for a period(s) of particular duration not to exceed the duration of treatment;
36 or
37 b. Transfer to an alternate but equivalent position.

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41 Procedure History:

42 Promulgated on: March 8, 2006

43 Reviewed on:

44 Revised on: August 11th, 2008