

PERSONNEL AND NEGOTIATIONSFAMILY AND MEDICAL LEAVE ACT

The Board of Education, in accordance with the Family and Medical Leave Act (FMLA) and its amendments, gives "eligible" employees of the District the right to take unpaid leave for a period of up to 12 work weeks in a 12-month period as determined by the District. In cases of Military Family leave, "eligible" employees may extend their leave for a total of up to 26 work weeks.

The Board of Education, pursuant to the Family and Medical Leave Act, allows eligible employees of the District to take unpaid leaves in accordance with said Act.

Ref: Family and Medical Leave Act and amendments through the National
Defense Authorization Act
Public Law 103-3
29 Codes of Federal Regulations (CFR)
Part 825
National Defense Authorization Act

Update
Presentation: 5/6/09

First
Vote: 5/20/09

Second
Vote: 6/3/09

PERSONNEL AND NEGOTIATIONS

FAMILY AND MEDICAL LEAVE ACT

The District will compute the 12-month period according to the following time frame: a "rolling" 12-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers are deemed to meet the 1,250 hour test.

Eligible employees may be granted leave for one or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child, or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his or her job;
- f) To care for a family member who is a covered service member with a serious illness or injury incurred in the line of duty on active duty (up to 26 weeks);
- g) "Any qualifying exigency" arising out of the fact that a covered service member is on active duty or called to active duty status. The broad categories for which an employee can use FMLA leave are:
 - Short-notice deployment
 - Military events and related activities
 - Childcare and school activities
 - Financial and legal arrangements
 - Counseling
 - Rest and recuperation
 - Post-deployment activities and
 - Additional activities not encompassed in the other categories, but agreed to by the District and the employee.

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave. FMLA leave and any paid/unpaid sick leave shall run concurrently.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period. In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave.

-2-

The Board of Education has a right to 30 days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.