

***MANDATORY***

**FAMILY AND MEDICAL LEAVE ACT**

- A. The Board of Education shall provide leave to eligible employees to the extent required by the federal Family and Medical Leave Act of 1993 (FMLA). This policy is not intended to grant eligible employees greater leave rights than are provided for by FMLA, and it is not intended to reduce, eliminate, modify, or change any of the Board's rights, options, privileges, or prerogatives under FMLA.
- B. To be eligible for FMLA leave, an employee:
1. Must have been a Board employee for a total of at least 12 months, which need not be consecutive. The Board does not count employment periods occurring prior to a break in service of 7 years or more, except as required by FMLA regulations; and
  2. Must have actually worked at least 1,250 hours for the Board during the 12 months immediately preceding the date on which the employee's FMLA leave is to begin; and
  3. Must be employed at a worksite where 50 or more employees are employed by the Board within 75 miles of that worksite.
- C. FMLA Family Leave. Eligible employees are entitled to up to a combined total of 12 workweeks of unpaid FMLA leave during any "12-month period" for one or more of the following reasons:
1. For the birth of a child and to care for the newborn child.
  2. For placement with the employee of a child for adoption or foster care.
  3. To care for the employee's spouse, son, daughter, or parent with a serious health condition.
  4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
  5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a member of the U.S. Armed Forces and is on covered active duty or has been notified of a federal impending call or order to active duty in the Armed Forces in support of a contingency operation.

A qualifying exigency includes the following:

- a. Short-notice deployment. Any issue that arises from notice of a call to active duty seven or fewer calendar days prior to deployment.
  - b. Military events. Attendance at any official ceremony, event, or program sponsored by the military or attendance at support or assistance programs sponsored by the military or military service organizations that are related to the call to active duty.
  - c. Childcare and school activities. Arranging alternative childcare, providing childcare on an urgent basis, enrolling in or transferring to a new school or daycare facility, or attending meetings at a school or daycare facility when necessitated by a call to active duty status.
  - d. Financial and legal arrangements. Making or updating financial or legal arrangements to address the absence caused by a call to active duty status, or acting as a representative for a covered military member for the purpose of obtaining or appealing military service benefits.
  - e. Counseling. Attending counseling (other than that from a health care provider) for the employee, the covered military member, or a child of the covered military member necessitated by the call to active duty status.
  - f. Rest and recuperation. Spending time with a covered military member who is on short-term, temporary rest and recuperation leave.
  - g. Post-deployment activities. Attending arrival ceremonies or any official ceremony or program sponsored by the military for a period of 90 days following the termination of the active duty status, or addressing issues that arise from the death of a covered military member while on active duty status.
  - h. Any other events that arise out of the call to active status agreed to by the employer and employee.
- D. FMLA Military Caregiver Leave. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a combined total of 26 workweeks of unpaid FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. During this 12-month period, the eligible employee is entitled to a

combined total of 26 workweeks of unpaid leave for any of the reasons set forth in this Policy under Subsection C or D.

- E. An FMLA leave taken by an eligible employee for any one or more of the foregoing reasons shall be counted against the employee's FMLA leave entitlement.
- F. The "12-month period" for purposes of determining the amount of FMLA Family leave to which an eligible employee is entitled under paragraph C., above, shall be the 12-month period measured forward from the start date of FMLA Family Leave.

The "12-month period" for purposes of determining the amount of FMLA Military Caregiver Leave to which an eligible employee is entitled under paragraph D., above, begins on the first day the employee takes leave and ends 12 months after that date.

- G.
  - 1. The Board may count a leave concurrently against an eligible employee's FMLA leave entitlement and against the employee's entitlement, if any, to other appropriate types of leave, and vice versa.
  - 2. If the Board does not count a leave concurrently against an eligible employee's FMLA leave entitlement and against the employee's entitlement, if any, to other appropriate types of leave, or vice versa, the eligible employee may elect to substitute appropriate accrued, paid leave for FMLA leave. In such a case, the leave will count against the employee's FMLA leave entitlement and against the employee's entitlement to the other appropriate type(s) of accrued, paid leave.
- H. The Board may require an eligible employee to provide it with medical certification of a serious health condition in connection with FMLA leave under paragraphs C.3., C.4., or D. above. Failure to provide a requested medical certification may result in a delay or denial of the employee's FMLA leave.
- I. While an eligible employee is on FMLA leave, the Board will maintain the employee's group health insurance coverage(s) on the same terms and conditions as if the employee was still at work.
- J. While on FMLA leave, an eligible employee must pay his/her portion of all premiums for group health insurance coverage(s) by providing the Treasurer with a valid check for his/her portion of the premiums prior to the first day of each month. Failure to timely make such premium payments may cause lapse(s) in the eligible employee's group health insurance coverage(s).
- K. If an eligible employee has taken an FMLA leave under paragraph C.4., above, the employee must provide the Board with a fitness-for-duty certificate to be restored to employment.

- L. Upon return from FMLA leave, an eligible employee shall be restored to the same position that the employee held when the FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- M. If an eligible employee fails to return to work from an FMLA leave, the employee may be liable for payment of health insurance premiums paid by the Board during the employee's FMLA leave
- N. Two eligible employees of the District married to each other are limited to a total of:
  - 1. 12 workweeks of FMLA leave per 12-month period if the leave is taken for the purpose of the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or the care of the employee's parent with a serious health condition; and
  - 2. 26 workweeks during a single 12-month period if the leave is taken for the sole purpose of caring for a covered servicemember (D. above) or for caring for a covered servicemember in combination with leave taken for the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or care of the employee's parent with a serious health condition..
- O. The Board specifically retains all rights, options, privileges, and prerogatives that it has under FMLA.