



FAMILY AND MEDICAL LEAVE

The District follows the guidelines established by the U.S. Department of Labor.

To provide employees with information about FMLA, and how to process requests for leave taken under FMLA,

A. Eligibility:

1. ~~FMLA leave is paid or unpaid leave taken for the following reasons:~~
 - a. ~~To care for the employee's child after birth, or placement of a child in the employee's home for adoption or foster care;~~
 - b. ~~To care for the employee's spouse, son, daughter, or parent, who has a **serious health condition**; or~~
 - c. ~~For a **serious health condition** (including worker's compensation illness or injury) that makes the employee unable to perform his or her job.~~
2. ~~Under FMLA, an employee is entitled to return to work to the same or an equivalent position the employee occupied prior to the leave in most cases.~~
3. ~~In order to be eligible for FMLA leave an employee must:~~
 - a. ~~Have worked at least 1,250 hours during the preceding 12 months prior to the first day of requested leave;~~
AND
 - b. ~~Have been employed by the District for at least 12 months prior to the first day of requested leave.~~
4. ~~For purposes of FMLA, "serious health condition" means an illness, injury, impairment, or physical or mental health condition that involves:~~
 - a. ~~Any period of incapacity or treatment associated with inpatient care in a hospital, hospice or residential medical care facility; **OR**~~
 - b. ~~Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than 3 calendar days, that also involves continuing treatment by a health care provider; **OR**~~

- c. ~~Continuing treatment by a health care provider for a chronic or long term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than 3 calendar days; or for prenatal care.~~

B. Application:

- 1. ~~An employee taking a long term leave may have that leave designated as FMLA leave in one of two ways:~~

- a. ~~Applying for FMLA leave directly through the District Office; **OR**~~
- b. ~~Applying for some type of long or short term leave for the purposes listed above through the District Office and the leave that is granted is designated by the District as FMLA leave.~~

- 2. **Employee Direct request for FMLA Leave**

- a. ~~Submit a request to the District Office thirty (30) days prior to the anticipated leave, or as soon as practicable after knowledge of the need for leave.~~
- b. ~~The request for FMLA leave may be for paid or unpaid leave and must be submitted at least 30 days prior to the requested leave, or as soon as practicable upon receiving knowledge of the need for such leave upon verbal notification one or two business days prior to the need for leave.~~
- c. ~~Medical certification may be required by the District to support a request for the birth of a child or a serious health condition. In addition the District may require second or third medical opinions paid for by the District prior to approving leave.~~
- d. ~~The District Office shall determine whether the request for leave meets the criteria for FMLA leave. Within 2 business days of receipt of the form by the District, the employee will be sent a letter, indicating whether the leave requested will be designated as FMLA leave and providing the employee information concerning his/her rights under FMLA.~~
- e. ~~No action will be taken on an incomplete request, and leave may be denied if the advance notice or medical certification requirements are not met.~~

- 3. **Leave Designated as FMLA Leave by the District**

- a. ~~The request for leave may be for paid or unpaid leave of absence, and must be submitted to the District at least 30 days prior to the requested leave, or as soon as practicable upon receiving knowledge of the need for such leave for the reasons specified above.~~
- b. ~~Medical certification may be required by the District to support a request for a serious health condition. In addition the District may require second or third medical opinions paid for by the District prior to approving leave.~~

- ~~c. Within 2 business days of receipt of the request by the District Office, the employee will be sent, a letter indicating whether the District intends to designate all or some part of the leave requested as FMLA leave and providing the employee information concerning his/her rights under FMLA.~~
- ~~d. Employees on leave due to a work related injury and receiving WORKERS' COMPENSATION will be designated for FMLA leave.~~
- ~~e. No action will be taken on an incomplete REQUEST FOR LEAVE form, and leave may be denied if the advance notice or medical certification requirements are not met.~~

~~C. Length of FMLA leave:~~

~~Employees are entitled to take up to 12 weeks of leave on a full time or intermittent basis, or through a change from a full time to part time schedule over a 12 month period. The 12 month period begins on the date the employee first takes leave.~~

~~D. Conditions for FMLA leave:~~

- ~~1. The District requires that employees use personal leave, sick leave, vacation time, or other type of paid leave, if available, or a combination thereof, for some or all of the leave requested or designated as FMLA leave. The employee may choose to retain up to a maximum of five (5) paid days of sick and/or vacation leave.~~
- ~~2. Leave taken on an intermittent basis, or through a part time schedule shall be governed by the following rules:
 - ~~a. Employees taking leave for the birth of a child or placement of a child in the employee's home for adoption or foster care cannot take leave on an intermittent or part time schedule.~~
 - ~~b. When leave is taken to care for a sick family member or for the employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule.~~
 - ~~c. In order to accommodate intermittent leave or part time schedule, the District has the right to alter an existing job or transfer the employee to an alternative position with equivalent pay and benefits.~~~~
- ~~3. FMLA leave for the birth of a child or placement of a child in the employee's home for adoption or foster care must be taken within a 12 month period beginning on the date of the child's birth, or placement in the employee's home. The leave must be concluded within this period.~~
- ~~4. If a husband and wife are both employed by the District, they are limited to a single 12 week period of leave for the birth of a child, or placement of a child in their home for adoption or foster care. For other types of leave, however, each spouse is treated separately.~~

~~5. FMLA leave will be taken concurrently with any other leave granted by the Board.~~

~~E. While On FMLA Leave:~~

~~An employee on FMLA leave is entitled to have pre-existing health insurance benefits maintained while on an FMLA leave. If an employee were paying all or part of the premium payments prior to leave, the employee would continue to pay their share during the leave period. Failure to make such contribution by the 15th of each month will result in termination of coverage.~~

~~F. Return from Leave:~~

- ~~1. An employee shall be entitled to return to the same or an equivalent position after the expiration of FMLA leave.~~
- ~~2. All health insurance benefits the employee was entitled to prior to FMLA leave shall be maintained for the employee while on FMLA leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his/her share of the premium during the leave period. Failure to make the contribution by the 15th of each month will result in termination of coverage.~~
- ~~3. Prior to returning from FMLA leave, an employee on leave for their own serious medical condition must provide medical certification that he/she may return to work.~~
- ~~4. Employees who fail to return to work upon the expiration of FMLA leave, or who do not receive an approved extension of said leave, will be deemed to have resigned their position with the District.~~
- ~~5. If the employee fails to return to work for a minimum of 30 calendar days upon the expiration of **unpaid** FMLA leave or approved extension of leave, the District will recover the premium paid by the District on behalf of the employee if the employee:~~
 - ~~a. Fails to return to work after the expiration of approved unpaid FMLA leave: **AND**~~
 - ~~b. Fails to return to work for a reason other than:~~
 - ~~i. The continuation, recurrence, or onset of a serious health condition entitling the employee to leave under FMLA; or~~
 - ~~ii. Other circumstances beyond the employee's control.~~