

## FAMILY AND MEDICAL LEAVE ACT

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Board of Education provides to "eligible" employees of the school district the right to take unpaid leave for a period of up to twelve (12) work weeks in a twelve (12) month period as determined by the school district. This law covers both full-time and part-time employees.

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

Qualified 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) when the employee has a serious health condition, as defined by the FMLA, that prevents the employee from performing his or her job;

At the option of the Board of Education or the employee, and in accord with negotiated agreements, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to maintain health insurance benefits while on leave. If an employee was paying all or part of the premium payments prior to the leave, the employee would continue to pay that share during the period of the leave.

In most instances, the employee has a right to return at the conclusion of the leave to the same position or an equivalent position with equivalent pay, benefits and working conditions.

The Board of Education has a right to receive thirty (30) calendar days advance notice from the employee, where practical. In addition, the Board of Education may require an employee to submit documentation 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, as defined by FMLA. Failure to comply with these requirements may result in denial of the FMLA leave.

The Board of Education may also require that an employee present certification of fitness to return to work when the absence was caused by a serious health condition of the employee. The Board has the right to deny restoration of employment if the employee does not furnish such certification of fitness.

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

### **References:**

29 USC §§2601-2654, FMLA of 1993  
29 CFR Part 825

**ADOPTED:** May 7, 1997