



SECTION: EMPLOYEES

POLICY: 335

TITLE: FAMILY MEDICAL LEAVE ACT

ORIGINAL: April 13, 1998

CURRENT REVISION: April 4, 2022

LAST REVIEWED BY THE ADMINISTRATION:

ADMINISTRATIVE GUIDELINES

- A. Only eligible employees are entitled to FMLA leave. Employees' eligibility for FMLA leave shall be based on the criteria established by law. An eligible employee is an employee who has satisfied each of the following conditions:
- a. Has been employed by the district for at least 12 months, which need not have been consecutive, prior to the commencement of the leave;
 - b. Has worked for the District for at least 1,250 hours over the 12-month period immediately prior to the commencement of the leave; and
 - c. Works at a location within 75 miles of which the District employs at least 50 employees.
- B. Benefits during leave
- a. FMLA leave is unpaid leave. However, whenever group health insurance is provided to an employee before the employee takes FMLA leave, the District will maintain the employee's health coverage under any group health plan during the leave on the same terms as if the employee continued to work.
 - i. If an employee fails to return to work at the conclusion of his or her FMLA leave, the District will recover from the employee amounts it paid for health insurance for the employee during the leave. However, the District will not recover amounts paid for health insurance for an employee during FMLA leave if the employee fails to return to work because of a serious health condition of the employee, the employee's spouse, child, or parent, or if the employee fails to return for other reasons beyond his or her control. If an employee fails to return to work because of a serious health condition, the District will require the employee to provide medical certification of the condition within 30 days of the District's request for such certification.
 - ii. Where FMLA leave is substituted for a paid leave under Section VIII, the employee's share of group health plan premiums will be paid by payroll deduction.
 - iii. Where FMLA leave is unpaid, the employee's share of group health plan premiums will be paid to the District. Employees on leave without pay must make employee payments according to the employer's existing rules for payment (provided those do

not require prepayment). In the event that an employee's payment is not made within 30 days of the date on which it is due, the District's obligation to maintain health coverage will cease, and the District may discontinue health benefits. However, the District will give the employee at least 15 days written notice to remit payment or coverage will be dropped.

C. Reinstatement after leave

- a. At the conclusion of FMLA leave, employees will be restored to their original position or to an equivalent position with equivalent pay, benefits, and other employment terms as if they had not taken such leave. However, the employee has no greater right to reinstatement or other benefits or conditions of employment than if the employee had been continuously employed during the leave period.

D. Limitations on FMLA leave

- a. Intermittent Leave or Reduced Leave Schedule
 - i. Intermittent leave or reduced leave schedule may be taken for a serious health condition where this is medically necessary.
 - ii. Intermittent leave or reduced leave schedule may not be taken for the birth of a child or for placement of a child for adoption or foster care.
 - iii. When intermittent leave or leave on a reduced leave schedule is requested based on planned medical treatment, the District may require the employee to transfer temporarily to an available alternative position for which the employee is qualified, and which better accommodates recurring periods of leave than does the employee's regular position. (Exception: The District may not require instructional employees whose intermittent or reduced leave schedule is 20 percent or less of the working day during the leave period to transfer to an alternative position.) Alternatively, the District may alter an existing job to better accommodate the employee's need for intermittent or reduced leave. The alternative or altered position must have equivalent pay and benefits, but not equivalent duties.
- b. When FMLA leave is needed to care for a family member or for the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to disrupt the employer's operation unduly.

E. Application for FMLA leave

- a. Employees shall request FMLA leave in writing on a District form to the Director of Human Resources.
- b. Employees must give 30 days' notice of their need for FMLA leave where the need for the leave is foreseeable, or such notice as is practicable under the circumstances. Employees must notice the need for intermittent leave only once, but they must advise the District as soon as practicable if dates of scheduled leave change or are extended.

F. Substitution of paid leave for FMLA leave

- a. Employees may substitute accrued paid leave for FMLA leave as follows:
 - i. Accrued paid vacation, personal, or medical/sick leave for FMLA leave for the employee's serious health condition;
 - ii. Accrued paid vacation, personal, or family leave for FMLA leave for the serious health condition of a spouse, child, or parent; and

- iii. Accrued paid vacation, personal, or family leave for FMLA leave for the birth, adoption, or placement in foster care of a child.
 - b. Paid leave taken by an employee will be designated FMLA leave by the District if it is taken for an FMLA-qualifying purpose. When an employee requests an FMLA leave, qualifies for, and is entitled to any accrued paid sick, vacation, personal or family leave, the employee may utilize such paid leave concurrent with the FMLA leave.
- G. Certification of serious health conditions and certification of fitness for work
 - a. Employees must provide medical certification supporting the need for leave due to a serious health condition of the employee or an immediate family member on a form to be provided by the District.
 - b. An employee who takes FMLA leave because of the employee's own serious health condition must provide certification that he or she is able to resume work provided the employee has been absent from work as a result of the serious health condition for 20 days or more. The district may deny reinstatement until the requested certification is provided.
- H. Notice to employees of their rights and obligations under FMLA
 - a. The District will post a notice, as required by the FMLA, explaining the provisions of the FMLA.
 - b. The District will maintain in its employee handbooks and/or policy book a policy intended to comply with the FMLA.
 - c. When an employee gives notice of his or her need for FMLA leave, the District will inform the employee (1) of his or her rights and obligations under the FMLA, including any obligation the employee may have to contribute toward benefits, and (2) of what may happen if the employee fails to meet those obligations.
- I. Maintenance of Records
 - a. The District will comply with the record-keeping requirements of the FMLA.
- J. District Discretion
 - a. Except as set forth in this Policy, the District reserves the right to exercise all discretion afforded it pursuant to the FMLA.