

This policy shall apply to all family and medical leaves of absence covered under the Family and Medical Leave Act of 1993 ("FMLA"). Terms used in this policy and its accompanying regulation, such as "serious health condition," "qualifying exigency," "covered active duty," "covered service member," and "serious injury or illness" shall be as defined by the FMLA and its implementing regulations.

Eligibility

To be eligible for a family and medical leave of absence (FMLA leave) under this policy, an employee shall have been employed for at least 12 months and shall have worked at least 1,250 hours during the 12-month period preceding the commencement of the leave. A full-time classroom teacher shall be deemed to meet the hourly requirement but must also meet the 12-month requirement to be eligible for FMLA leave.

Permitted Reasons for FMLA Leave

An eligible employee shall be entitled to a combined total of 12 weeks' leave per year for the following reasons:

1. The birth and care of the employee's newborn child;
2. The placement of a child with the employee for adoption or foster care;
3. To care for an employee's spouse, parent or child with a serious health condition;
4. When the employee is unable to perform the essential functions of his or her position because of the employee's own serious health condition; or
5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty in the Armed Forces or has been notified of an impending call or order to covered active duty in the Armed Forces.

Spouses who are both employed by the district shall be entitled to a total of 12 weeks of leave (rather than 12 weeks each) per year for reasons (1), (2), (3) and/or (5) specified in the immediately preceding paragraph.

Entitlement for child care leave shall end after the child reaches age one or 12 months after adoption or foster placement. Leave to care for a child shall include leave for a step-parent or person in loco parentis.

An eligible employee who is a spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious injury or illness sustained in the line of duty on active duty shall be entitled to a total of 26 weeks of leave during a single 12-month period to care for the service member.

The single 12-month period shall begin on the first day the employee takes leave for this reason and shall end 12 months later. During that 12-month period, the eligible employee is entitled to a combined total of 26 weeks of leave under this policy. Only 12 weeks of the 26 week total may be for a FMLA-qualifying reason other than to care for a covered service member.

Spouses who are both employed by the district shall be entitled to a total of 26 weeks (rather than 26 weeks each) in a single 12-month period if the leave is to care for a covered service member with a serious injury or illness, or a combination of caring for a covered service member and reasons (1), (2), (3) and/or (5) above.

CROSS REFS: GBGG, Staff Sick Leave
 GBGK, Staff Legal Leave
 GBGE, Staff Maternity/Paternity/Parental Leave

NOTE 1: The Family and Medical Leave Act (FMLA) provides that the district shall not be in violation of other federal laws such as those governing the district's responsibility to educate children with disabilities solely as the result of an eligible employee taking family medical leave.

NOTE 2: The FMLA applies to all educational institutions, including school districts. However, an employee is only eligible for family and medical leave if he or she is employed at a worksite where at least 50 employees are employed within 75 miles.

NOTE 3: For FMLA Fact Sheets, medical certification forms, request for leave forms and other information on the FMLA, visit the U.S. Department of Labor's Wage and Hour Division Website:
<http://www.wagehour.dol.gov> or call the U.S. Department of Labor's toll-free information and helpline, 1-866-4USWAGE (1-866-487-9243).

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