

## FAMILY AND MEDICAL LEAVE ACT

An employee who meets the eligibility criteria for leave under the Family and Medical Leave Act (FMLA) is entitled to 12 work weeks of unpaid leave per 12 month period pursuant to that Act. <sup>1</sup>*The 12-month period begins July 1 and ends on June 30.* Family and medical leave is available for the following reasons:

- ◆ The birth of a son or daughter and to care for a newborn child prior to the child's first birthday. Intermittent leave is not an option.
- ◆ Placement with the employee of a son or daughter for adoption or foster care prior to the first anniversary of the child's placement. Intermittent leave is not an option.
- ◆ To care for an employee's spouse, son, daughter, or parent with a serious health condition.
- ◆ For the employee's own serious health condition that makes the employee unable to perform the essential functions of the employee's job.

For purpose of this article, the terms "spouse," "parent," "son or daughter," and "serious health condition" shall have the same meaning as defined by the FMLA and its regulations.

The District reserves the right to designate any leave that is taken for one of the purposes set forth above as FMLA, even if the employee requesting leave does not designate the leave as family and medical leave.

<sup>2</sup>*Furthermore, any employee on family and medical leave is required to also use, substitute, and exhaust any applicable paid leave that is otherwise available to the employee, including, but not necessarily limited to sick, personal, and vacation leaves.* <sup>3</sup>*Any family and medical leave must provide medical certification in support of the request to the extent permitted by the FMLA.* These forms may be obtained in the Human Resource office or on the District's HR website.

An eligible employee for FMLA benefits is defined as an employee who has been employed for at least twelve (12) months and has worked 1250 hours during the twelve (12) month period immediately preceding the start of the leave. A husband and wife who are eligible for FMLA leave may be limited to twelve (12) weeks total between them for birth or placement/adoption of a child.

Employees returning from a leave for a serious health condition must provide the District with certification from the health care provider documenting their fitness to return to work. Employees who are unable to return to work at the end of the FMLA leave should notify the District in writing in advance of the need for continuance of leave.

Under federal law, unpaid leave may also be requested by eligible employees who have any qualifying exigency arising out of the fact that the spouse or a son, daughter, parent, or next of kin of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces and may use their 12-week entitlement to address certain qualifying circumstances. Qualifying circumstances may include deploying on short-notice, attending certain military events, arranging for alternative child care and school activities, addressing certain financial and legal arrangements, attending certain counseling sessions, engaging in rest and recuperation, and attending post deployment reintegration briefings. The federal FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. This leave applies if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from an injury or illness suffered while on active duty in the armed forces or that existed before the beginning of the member's active duty and was aggravated by service or that manifested itself before or after the member became a veteran.

Legal reference: 29 USC 2601 et.seq. (Family and Medical Leave Act);  
29 CFR Part 825

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