UNITED SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: FAMILY AND MEDICAL LEAVES

ADOPTED: December 9, 2008

REVISED: September 19, 2012

	335. FAMILY AND MEDICAL LEAVES
1. Authority 29 U.S.C. Sec. 2601 et seq 29 CFR Part 825	The Board shall provide eligible administrative, professional and support employees with unpaid leaves of absence in compliance with the Family Medical Leave Act, hereinafter referred to as FMLA. Employee requests for FMLA shall be processed in accordance with law. The Board shall deny a request for leave when an employee does not comply with Board policy and administrative regulations.
2. Delegation of Responsibility	The Superintendent or designee shall develop and disseminate administrative regulations to implement FMLA leaves for eligible employees.
29 U.S.C. Sec. 2619	The district shall post, in conspicuous places in the district customarily used for notices to employees and applicants, a notice regarding the provisions of the FMLA and the procedure for filing a complaint.
3. Guidelines	An employee who is requesting leave under the Family and Medical Leave Act of 1993 (the "FLMA") shall provide the United School District with notice of the employee's intention to take leave under the FMLA in accordance with the notice provisions of the FMLA. Notice of the employee's intention to take such leave must be given to the Office of the Director of Finance of the United School District during the normal business hours of that office prior to the commencement of such leave, unless the circumstances requiring the employee to take such leave render the giving of prior notice impractical. In circumstances where it is not practical for the employee to provide such prior notice of the employee's intention to take FMLA leave to the Office of the Director of Finance, the employee shall within twenty-four (24) hours of the employee's absence from work notify the Office of the Director of Finance of the employee's intention to take leave under the FMLA. An employee's voice message on the district's automated call-off system **shall not** constitute notice to the United School District of the employee's intention to take leave under the FMLA. Any notice of an employee's intention to take leave under the provisions of the FMLA must be given directly to the Office of the Director of Finance of the United School District.

	All requests for leave, both FMLA leave and non-FMLA leave, shall be made in writing on a district form to the Superintendent. The form shall request sufficient information to determine whether the leave qualifies as an FMLA leave.
	Medical certification forms shall be required whenever allowed or authorized by provision of the FMLA.
29 U.S.C. Sec. 2611, 2612	Employees' eligibility for FMLA leave shall be based on the criteria established by law.
29 U.S.C. Sec. 2612	Eligible employees shall be provided up to twelve (12) workweeks of unpaid leave in a twelve-month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for a seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to a member of the Armed Forces alerted for foreign deployment or during foreign deployment.
29 U.S.C. Sec. 2612	Eligible employees shall be provided up to twenty-six (26) workweeks of unpaid leave in a single twelve-month period to care for an ill or injured covered service member.
	If the employee requesting an FMLA leave qualifies for and is entitled to any paid leave under an administrative compensation plan, individual contract, collective bargaining agreement, Board policy or statutory mandate, the employee may utilize such leave during the FMLA leave, at his/her discretion.
	Employees shall be required to provide a fitness-for-duty certificate upon returning from an FMLA leave when the leave was taken because of the employee's own serious health condition, except where such a requirement would be in violation of an administrative compensation plan, individual contract, or collective bargaining agreement, or where the employee has taken a paid leave concurrent with the FMLA leave and Board policy and district practice has not required a fitness-for-duty certificate to be provided.
	Seniority shall accrue for all purposes during FMLA leaves, and credit shall be given during FMLA leaves for accruals for other leaves.
29 CFR Sec. 825.200	For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve-month period, the district shall utilize a rolling twelve-month period measured backwards from the date leave is used to avoid stacking of back-to-back leave entitlements.

29 U.S.C. Sec. 2612	When an employee requests an FMLA leave and qualifies for and is entitled to any accrued paid sick, vacation, personal or family leave, the employee may utilize such paid leave during the FMLA leave. An employee will be denied intermittent leave or leave on a reduced leave schedule to care for an immediate family member (spouse, child, parent) with a serious health condition, or if the employee has a serious health condition, when: 1. The employee fails to establish, through medical certification, that there is a medical need for such a leave (as distinguished from voluntary treatments and procedures). 2. The employee has failed to establish, through medical certification, that it is medically necessary for the leave to be taken intermittently on a reduced leave schedule. Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the law. Instructional employees may be required to continue FMLA leave to the beginning of a grading period or term if conditions of leave are those specified in the law. References: Family And Medical Leave Act – 29 U.S.C. Sec. 2601 et seq. Family And Medical Leave, Title 29, Code of Federal Regulations – 29 CFR Part 825 Board Policy – 000, 813