

## 4208-R Family Medical Leave

After an eligible employee utilizes three consecutive days of sick leave, ~~he/she~~ they may be placed on family leave and will be entitled ~~to~~ up to a combined total of 12 weeks of unpaid leave per year for:

- The birth and first-year care of a child;
- The adoption or foster placement of a child;
- The serious health condition of an employee's spouse, parent, or child; or
- The employee's own serious health condition.
- A "qualifying Exigency" as defined by the United States Secretary of Labor, in which the employees' spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. "Active Duty" and "contingency operation" have the same meaning. ~~referred to in 10 U.S.C. 101(a)(13).~~

For purposes of the benefits referred to above, a serious health condition means "an illness, injury, impairment, or physical or mental condition."

For purposes of the benefits referred to above, which pertain to leave for care of a child, the term "child" shall mean a son or daughter who is either a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in *loco parentis*, who is:

- under eighteen (18) years of age; or
- eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

~~If the employee has paid leave, including vacation days, sick leave and convenience days, he/she they must substitute the paid leave for any or all of the unpaid leave. Earned leave, such as vacation, sick, and convenience, must be used during absences under Family Medical Leave. Exception to this statement would be the approval of Family Recognition Leave by the Board of Trustees.~~ This paid leave will count against the total of 12 weeks per year of family leave. The ~~Return to Work Committee~~ **Human Resources Department** will be responsible for placing an individual on family **medical** leave and monitoring ~~his/her~~ **their** return to work.

During the period of leave, the employee is entitled to the continuation of all benefits. The District will continue to pay its portion of the health insurance, and it will be the employee's responsibility to continue to pay ~~for his or her~~ **their** portion. Upon return to work, the employee will be entitled to any sick days and/or vacation days he or she earned while on leave, and to his or her same position or an equivalent position with equivalent pay. If an employee's leave extends into a medical leave of absence, ~~he/she they~~ they will be entitled to these days upon return to work from medical leave.

In the case of birth, adoption, or foster placement, the leave entitlement for child-care ends after: (1) the child reaches the age of one, or (2) twelve months after the adoption or placement. Leave to care for a child would include leave for a step-parent or a person in *loco parentis*.

In the case where both spouses are employed by the District, the combined amount of leave for birth, adoption or foster placement, or family illness is limited to 12 weeks. Personal illness is not limited to this combined total.

The District and the employee may agree that an employee may take leave intermittently or on a reduced-hours basis in connection with the birth, adoption, or foster placement of a child. This is subject to the recommendation of the administrator or supervisor and is at the request of the employee.

When unpaid leave is in connection with birth, adoption, or foster placement, and is foreseeable, the employee must provide at least 30 days' notice of the date when leave is to begin, unless circumstances dictate otherwise. When unpaid leave is in respect to family or employee illness which is foreseeable, the employee must make a reasonable effort to schedule treatment, including intermittent and reduced hour leave, so as to not unduly disrupt the operations of the District.

In the case of employee illness or the illness of an employee's spouse, parent, or child, the employee may take intermittent or reduced hours leave.

In the case of employee illness, the District will require the employee to provide certification by ~~his/her~~ **their** healthcare provider that the employee is able to return to work and is able to meet the essential functions of the job.

~~If an employee fails to return to work after the leave period has expired, unless the absence is due to continued family or personal illness or other circumstances beyond the employee's control, the District may require the employee to pay for the District's share of the health insurance while the employee was on family leave.~~

An employee who needs additional time away from work may apply for a medical leave of absence, as discussed in Policy 4220. This leave does not provide for the District to pay for the District's share of the medical insurance benefit, and no benefits are accrued by the employee while on medical leave.

The Human Resources Manager, or ~~his~~ **their** designee, will work individually with an employee who wants to apply for family **medical** leave. ~~Family medical leave request forms are available in the Human Resources Department.~~

## **CERTIFICATION**

The District may require that a request for leave to care for a relative with a serious health condition or because of the employee's own serious health condition, or a request for service member family leave, be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, or in the case of service member family leave, of the next of kin of an individual, as appropriate. The District must request the certification within 5 business days after the employee requests leave. The

District must give the employee at least 15 calendar days to provide the certification. This may be done through the rights and responsibilities notice. It is the employee's responsibility to provide the District with a complete and sufficient certification. The employee shall provide a copy of such certification to the Human Resources Manager, or his or her designee. The employee shall be responsible for the cost of such certification or re-certification.

- **Service Member Family Leave**

- Subject to the requirements of this policy and Federal law, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period to care for the service member. During the twelve (12)-month period described in this paragraph, an eligible employee shall be entitled to a combined total of twenty-six (26) workweeks of leave under this paragraph, and leave under the section entitled "Benefits."
- "Covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in out-patient status, or is otherwise on the temporary disability retired list, for serious injury or illness.
- The term "out-patient status," with respect to a covered service member, means the status of a member of the Armed Forces assigned to:
  - A military medical treatment facility as an outpatient; or
  - A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- The term "Next of Kin" means the nearest blood relative of that individual.
- The term "serious injury or illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade rank or rating.

**ADOPTION DATE:**

April 26, 1993; Revised February 20, 1995; July 10, 1995; Reviewed January 23, 2007; Revised January 12, 2010; Revised June 19, 2014; Reviewed May 26, 2015; **Revised January 24, 2023**

**LEGAL REFERENCE(S):**

Family & Medical Leave Act: P.L. 103-3; **10 U.S.C. 101(a)(13)**

**CROSS REFERENCE(S):** 4200, 4205, 4220, 4220-R, 4229, 4229-R

**ADMINISTRATIVE REGULATION:**