

Family and Medical Leave Act (FMLA) is a Federal law which provides that eligible employees may take up to twelve (12) weeks' unpaid leave, in any twelve (12) month period, for certain family and/or medical reasons.

An employee, if they have worked for the District for a minimum of twelve (12) months and 1,250 hours over the previous twelve (12) months, and meets all eligibility requirements of the Family Medical Leave Act, is eligible for family and medical leave pursuant to the Family and Medical Leave Act (P.L. 103-3) FMLA.

REASONS FOR TAKING LEAVE

Unpaid leave will be granted to eligible employees for any of the following reasons:

1. To care for the employee's child after birth, or placement of a child for adoption or foster care in an employee's home;
2. To care for the employee's spouse, child, or parent (does not include parents in-law) who has a serious health condition; or
3. For a serious health condition that makes the employee unable to perform the employee's job.

SUBSTITUTION OF PAID LEAVE

Paid leave will be substituted for unpaid leave under the following circumstances:

1. Accumulated sick/personnel leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in 3 above;
2. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in 1 or 2 above;
3. Accumulated sick leave will be utilized concurrently with FMLA leave whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement; or
4. Whenever appropriate workers' compensation absences shall be designated FMLA.

WHEN BOTH PARENTS ARE DISTRICT EMPLOYEES

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time and only if leave is taken:

1. For a birth of a child or to care for the child after birth;

2. For placement of a child for adoption or foster care in an employee's home, or to care for the child after placement; or
3. To care for a parent (but not a parent-in-law) with a serious health condition.

LEAVE YEAR CALCULATION

The District uses the "rolling" twelve (12) month period method to calculate the employee's leave year. That means that the first time the employee takes FMLA leave, the employee's leave year begins. The District defines the twelve (12) month period as the District's fiscal year from July 1 to June 30.

NOTICE/CERTIFICATION

Notice must be given at least thirty (30) days in advance of the date that leave will be taken, or as soon as practical if the employee is unable to give thirty (30) days' notice. The District may also require that the employee provide medical certification from the employee's health care provider to substantiate the need for leave. If the employee requests FMLA leave due to a serious health condition which make the employee unable to perform the essential functions of the employee's position, the District shall inform the employee at the time leave is requested that certification from the employee's health care provider that the employee is able to resume work will be required.

Leave may be allowed in emergency situations when no advance warning is possible. Inexcusable delays in notifying the District may result in the delay or denial of leave.

INTERMITTENT/REDUCED LEAVE

FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care in an employee's home, an employee may take leave intermittently or on a reduced leave schedule only with the approval of the District. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District's payroll system uses to account for absences or use of leave.

CONTINUATION OF BENEFITS

An employee's benefits shall continue during the period of FMLA leave as if the employee were not on leave, unless the employee notifies the District that the employee will not be returning to work or if the employee does not return to work following the FMLA leave period. If the employee was making a contribution towards health coverage benefits, the employee must continue to pay the same portion during the leave period. If

the employee does not make the payments during the leave period, the employee shall still have the right to be reinstated on the District's group health plan upon returning to work following the leave period, without having to re-qualify for health coverage.

RETURN

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

LEAVE AT END OF SCHOOL TERM

An employee whose primary duty is to teach and instruct students in a class, small group setting, or on an individual basis may be required to take leave for the remainder of the semester if any of the following apply:

1. If the leave will begin more than five (5) weeks before the end of the semester, the leave period is at least three (3) weeks in duration, and the employee would return to work during the last three-week period before the end of the semester;
2. If the leave will begin during the period that starts five (5) weeks prior to the end of the semester, if the leave period will be at least two (2) weeks in duration, and the employee would return to work during the last two-week period before the end of the semester; or
3. If the leave will begin during the period that starts three (3) weeks prior to the end of the semester, and the leave period will be five (5) days or longer in duration.

VACATIONS

The period during the summer vacation or other scheduled breaks (i.e., Christmas Break, Spring Break, etc.) that an employee would not have been required to work will not count against that employee's FMLA leave entitlement.

To protect employees' privacy rights, medical certifications will be treated as confidential medical records, and information will be disclosed only on a strictly need-to-know basis.

Policy Cross Reference:

Board Policy 401.14 Criminal History Checks for Employees

Legal Reference:

Idaho Code §33-130 Criminal History Checks for School Districts Employees or
Applicants for Certificates
Idaho Code §33-513 Professional Personnel
Idaho Code §55-512 Governance of Schools

Policy History:

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