

PERSONNEL

5410

Family Medical Leave

In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up to twelve (12) weeks during a twelve (12) month period may be granted to an eligible employee for the following reasons:

1. the birth of a child;
2. the placement of a child for adoption or foster care **with the employee;**
3. **because of** a serious health condition that makes the employee unable to perform the functions of the job;
4. to care for the employee's spouse, child or parent with a serious health condition; **or**
5. for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty status, or has been notified of an impending call to active duty state **in the Armed Forces.**

An employee is eligible to take FMLA leave if the employee has been employed for at least twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date when the leave is requested, **and if there have been at least fifty (50) District employees within seventy five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year. Further, an employee may only be eligible if there are at least fifty (50) District employees within a seventy five (75) mile radius.**

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty six (26) weeks of leave in a single twelve (12) month period to care for the service members.

Employees will be required to use appropriate paid leave while on FMLA Leave. **Workers Compensation absences will not be designated FMLA Leave.**

The Board has determined that the twelve (12) month period during which an employee may take FMLA leave is: the calendar year.

Medical certification shall be required to determine FMLA initial or continued eligibility as well as fitness for duty.

~~At the discretion of the Payroll Clerk, medical certification may be required to determine FMLA initial or continued eligibility as well as fitness for duty. Employees will be required to use appropriate paid leave while on FMLA Leave. Workers Compensation absences will also be designated FMLA Leave if employee is eligible for FMLA. The employee may have accumulated more than sixty (60) days of sick leave and exhaust their FMLA leave before using all of their paid sick leave days. Employees must be aware that FMLA days may not be available after other days have been used.~~

~~The payroll clerk for the district will notify the employee within thirty (30) days after each occurrence of FMLA leave. The employee may request an accounting of FMLA days used and available at any time by giving notice to the payroll department. Reports will be provided the employee within seventy two (72) hours of receipt of the request.~~

~~Jerome School District will maintain health insurance for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. Where appropriate, employees will arrange to pay their share of health insurance premiums while on leave.~~

~~Upon return from FMLA leave an employee will be restored to his or her original job where possible, or to an equivalent job.~~

Legal Reference:

29 CFR 825, 29 USC 2601, et seq.

Family Medical Leave Act --

NOTE: ~~This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment.~~

Policy History:

Adopted on: 03/25/08

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Revise on: