



Policy 5410 – Family Medical Leave

In accordance with the provisions of the Family Medical Leave Act (FMLA) of 1993, a leave of absence of up to twelve 12 weeks during a 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. 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 status, in the Armed Forces.

An employee is eligible to take FMLA leave if the employee has been employed for at least 12 months, and has worked at least 1,250 hours during the 12 months immediately prior to the date when the leave is requested. Further, an employee may only be eligible if there are at least 50 District employees within a 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 26 weeks of leave in a single 12 month period to care for the service members.

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

The Board has determined that the 12 month period during which an employee may take FMLA leave is **[PICK ONE] July 1 to June 30 OR [other specific dates] OR the calendar year OR 12 months forward from the date of a particular employee's first FMLA leave OR 12 months backward from the date of FMLA Leave.**

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

NOTE: The FMLA applies to all school districts as they are public agencies, and



therefore covered employers under the act. However, depending on the size of the District, District employees may not be eligible employees. This policy applies to school districts with 50 or more employees. Those districts with fewer than 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.

Legal Reference:

29 CFR Part 825	Implementing the Family Medical Leave Act of 1993
Pub. L. 103-3	Family Medical Leave Act of 1994 (FLMA)
Pub. L. 110-181	National Defense Authorization Act (NDAA) for FY 2008

Other References	Description
ISBA Policy Services	https://www.idsba.org/member-services/policy/
Cross References	

Code	Description
5420	<u>Long-Term Illness/Temporary Disability</u>
5420-P(1)	<u>Long-Term Illness/Temporary Disability</u>

Adopted:

Revised:

Reviewed: