

## **FAMILY AND MEDICAL LEAVE ACT**

The District will comply with the Family and Medical Leave Act.

### **Twelve-Month Leave Description**

Eligible employees may request, and upon approval use unpaid family and medical leave in accordance with and for the applicable duration guaranteed by the federal Family and Medical Leave Act. Unless subject to an exception in law, FMLA shall be made available for up to a combined total of 12 weeks beginning August 1 and ending July 31 of the next year.

### **Use of Other Leaves**

Other available and applicable paid vacation, personal, family, sick, or other paid leave may be substituted for family and medical leave necessitated by birth, adoption/foster care placement, a family member's serious health condition, an employee's own serious health condition, qualifying exigency, or to care for covered service member in accordance with law. Any substitution required by this policy shall count against the employee's family and medical leave entitlement. The District shall pay family leave or sick leave only under circumstances permitted by the applicable leave policy.

### **Medical and Qualifying Exigency Certification**

The Superintendent may request medical certification for an employee's or their spouse's, parent's, child's, or, when applicable, next of kin's serious health condition and shall do so in accordance with federal law and district regulations. The Superintendent may also request qualifying exigency certification when an employee requests such leave.

### **Notice of Leave**

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent may waive notice requirements.

### **Employee Benefits During Leave**

The District shall continue to maintain the employee's coverage under any group health plan on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period. The District shall also continue making payroll deductions if the employee contributes to a life insurance or other benefits. The employee must continue to make premium payments per district instructions during any unpaid portions of leave to maintain benefits.

### **Return to Work**

An employee returning from family and medical leave shall be given a position equivalent to their position before the leave, subject to the district's reassignment policies, negotiated agreement, and practices.<sup>1</sup> Instructional employees may be required to wait to return to work until the next academic term in certain situations as provided by law.<sup>2</sup>

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<sup>1</sup> 29 C.F.R. 825.214 and 825.604. See definition of equivalent position in FMLA exhibit.

<sup>2</sup> 29 C.F.R. 825.602. See regulations for guidelines.

**REQUIRED**

Descriptor Code: DDAA

**Implementing Procedures**

The Superintendent shall develop procedures to implement this policy consistent with the federal Family and Medical Leave Act.

**Record Keeping**

The Superintendent shall ensure that records are kept according to the requirements contained in law.

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Complementary Documents

- DDA, Sick Leave
- DDAA-BR, Family and Medical Leave Act Regulations
- DDAA-E1, Family and Medical Leave Act Law
- DDAA-E2, FMLA Poster and Forms
- DFC, Transfer and Reassignment

End of Oakes School District #41 Policy DDAA..... Amended: 09/14/21

*NOTE: Printed in Personnel Handbook*