

### **FAMILY AND MEDICAL LEAVE ACT**

- A. The Board of Directors shall provide leave to eligible personnel to the extent required by the federal Family and Medical Leave Act of 1993 (FMLA). This policy is not intended to grant eligible personnel greater leave rights than are provided for by FMLA, and it is not intended to reduce, eliminate, modify, or change any of the Board of Directors' rights, options, privileges, or prerogatives under FMLA.
- B. To be eligible for FMLA leave, a staff member:
1. Must have been a Board of Directors staff member for a total of at least 12 months, which need not be consecutive. The Board of Directors does not count employment periods occurring prior to a break in service of seven years or more, except as required by FMLA regulations; and
  2. Must have actually worked at least 1,250 hours for the Board of Directors during the 12 months immediately preceding the date on which the staff member's FMLA leave is to begin; and
  3. Must be employed at a worksite where 50 or more personnel are employed by the Board of Directors within 75 miles of that worksite.
- C. FMLA Family Leave. Eligible personnel are entitled to up to a combined total of 12 workweeks of unpaid FMLA leave during any "12-month period" for one or more of the following reasons:
1. For the birth of a child and to care for the newborn child.
  2. For placement with the staff member of a child for adoption or foster care.
  3. To care for the staff member's spouse, son, daughter, or parent with a serious health condition.
  4. Because of a serious health condition that makes the staff member unable to perform the functions of the staff member's job.
  5. Because of any qualifying exigency arising out of the fact that the staff member's spouse, son, daughter, or parent is a member of the U.S. Armed Forces and is on covered active duty or has been notified of a federal impending call or order to active duty in the Armed Forces in support of a contingency operation.

- a. Short-notice deployment. Any issue that arises from notice of a call to active duty seven or fewer calendar days prior to deployment.
  - b. Military events. Attendance at any official ceremony, event, or program sponsored by the military or attendance at support or assistance programs sponsored by the military or military service organizations that are related to the call to active duty.
  - c. Childcare and school activities. Arranging alternative childcare, providing childcare on an urgent basis, enrolling in or transferring to a new school or daycare facility, or attending meetings at a school or daycare facility when necessitated by a call to active duty status.
  - d. Financial and legal arrangements. Making or updating financial or legal arrangements to address the absence caused by a call to active duty status, or acting as a representative for a covered military member for the purpose of obtaining or appealing military service benefits.
  - e. Counseling. Attending counseling (other than that from a health care provider) for the staff member, the covered military member, or a child of the covered military member necessitated by the call to active duty status.
  - f. Rest and recuperation. Spending time with a covered military member who is on short-term, temporary rest and recuperation leave.
  - g. Post-deployment activities. Attending arrival ceremonies or any official ceremony or program sponsored by the military for a period of 90 days following the termination of the active duty status, or addressing issues that arise from the death of a covered military member while on active duty status.
  - h. Any other events that arise out of the call to active status agreed to by the employer and staff member.
- D. FMLA Military Caregiver Leave. An Eligible staff member who is the spouse, son, daughter, parent, or next of kin of a covered servicemember is entitled to a combined total of 26 workweeks of unpaid FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. During this 12-month period, the eligible staff member is entitled to a combined total of 26 workweeks of unpaid leave for any of the reasons set forth in this Policy under Subsection C or D.

- E. An FMLA leave taken by an eligible staff member for any one or more of the foregoing reasons shall be counted against the staff member’s FMLA leave entitlement.
- F. The “12-month period” for purposes of determining the amount of FMLA Family Leave to which an eligible staff member is entitled under paragraph C., above, shall be *[Select one of the following: July 1 through June 30; **OR** the calendar year; **OR** the 12-month period measured forward from the start date of FMLA Family Leave; **OR** the “rolling” 12-month period measured backward from the date a staff member uses FMLA Family Leave]*.

The “12-month period” for purposes of determining the amount of FMLA Military Caregiver Leave to which an eligible staff member is entitled under paragraph D., above, begins on the first day the staff member takes leave and ends 12 months after that date.

- G. 1. The Board of Directors may count a leave concurrently against an eligible staff member’s FMLA leave entitlement and against the staff member’s entitlement, if any, to other appropriate types of leave, and vice versa.
2. If the Board of Directors does not count a leave concurrently against an eligible staff member’s FMLA leave entitlement and against the staff member’s entitlement, if any, to other appropriate types of leave, or vice versa, the eligible staff member may elect to substitute appropriate accrued, paid leave for FMLA leave. In such a case, the leave will count against the staff member’s FMLA leave entitlement and against the staff member’s entitlement to the other appropriate type(s) of accrued, paid leave.
- H. The Board of Directors may require an eligible staff member to provide it with medical certification of a serious health condition in connection with FMLA leave under paragraphs C.3., C.4., or D. above. Failure to provide a requested medical certification may result in a delay or denial of the staff member’s FMLA leave.
- I. While an eligible staff member is on FMLA leave, the Board of Directors will maintain the staff member’s group health insurance coverage(s) on the same terms and conditions as if the staff member was still at work.
- J. While on FMLA leave, an eligible staff member must pay his/her portion of all premiums for group health insurance coverage(s) by providing the Fiscal Officer with a valid check for his/her portion of the premiums prior to the first day of each month. Failure to timely make such premium payments may cause lapse(s) in the eligible staff member’s group health insurance coverage(s).

- K. If an eligible staff member has taken an FMLA leave under paragraph C.4., above, the staff member must provide the Board of Directors with a fitness-for-duty certificate to be restored to employment.
- L. Upon return from FMLA leave, an eligible staff member shall be restored to the same position that the staff member held when the FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
- M. If an eligible staff member fails to return to work from an FMLA leave, the staff member may be liable for payment of health insurance premiums paid by the Board of Directors during the staff member's FMLA leave
- N. Two eligible personnel of the School married to each other are limited to a total of:
  - 1. 12 workweeks of FMLA leave per 12-month period if the leave is taken for the purpose of the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or the care of the staff member's parent with a serious health condition; and
  - 2. 26 workweeks during a single 12-month period if the leave is taken for the sole purpose of caring for a covered servicemember (D. above) or for caring for a covered servicemember in combination with leave taken for the birth or care of a newborn child (C.1. above), the placement or care of a child through adoption or foster care (C.2. above), or care of the staff member's parent with a serious health condition.
- O. The Board of Directors specifically retains all rights, options, privileges, and prerogatives that it has under FMLA.

Adopted: June 19, 2017