

1.18 FAMILY MEDICAL LEAVE ACT POLICY

- a. In accordance with the Family Medical Leave Act of 1993 eligible employees are entitled to take up to 12 weeks of unpaid, job protected leave for certain family and medical reasons.

When both spouses are employed by the School district, the combined amount of leave for birth, adoption, and illness of a parent may be limited to a total of 12 weeks. This limitation is not applicable to leave for personal illness and illness of a spouse or child.
- b. Employees are eligible if 12 months have elapsed since the start of employment with the district, and they have worked at least 1250 hours over the previous 12 months.
- c. Leave will be granted for any of the following reasons:
 - * to care for the employee's child after birth, adoption or placement in their home for foster care;
 - * to care for the employee's spouse, dependent child who is under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability", or parent, who has a serious health condition; or
 - * for a serious health condition that makes the employee unable to perform the employee's job.
- d. FMLA leave is not to be considered as "additional" leave. When available and applicable, the employee's paid leave will be used to cover some or all of the otherwise unpaid FMLA leave. (e.g. employee has 10 weeks of sick leave available, s/he would take 10 weeks of paid sick leave, and two weeks of unpaid FMLA leave, for a total of 12 weeks)
- e. Application for FMLA leave may be denied if the following requirements are not met:
 - * 30 days advance notice of the need to take FMLA leave when the leave is "foreseeable."
 - * medical certification to support a request for leave because of a serious health condition.
 - * second or third opinions (at district expense) and periodic re-certifications.
- f. Eligible employees on leave are entitled to a continuation of medical and other insurance benefits on the same terms as an active employee.
- g. A fitness for duty certification may be required prior to the employee returning to work.
- h. Upon return from FMLA leave, the district will restore the employee to their original or an equivalent position with equivalent pay, benefits, and other employment terms.
- i. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. Neither will the employee accrue any additional leave until such time as they return to work.
- j. When an instructional employee begins a leave late in the academic term the district may require the employee to continue taking such leave until the end of the term when the following conditions exist:

- * Leave begins more than five weeks before end of term; will last at least three weeks; and the return to employment would occur during the three-week period before the end of the term.
 - * Leave is for a purpose other than the employee's own serious health condition; begins during the five weeks before end of term; lasts at least two weeks; and the return to employment occurs during the two week period before the end of the term.
 - * Leave is for a purpose other than the employee's own serious health condition; begins during the three weeks before end of term; lasts at least five days.
- k. If an employee fails to return to work at the end of the leave, for reasons other than the "serious health condition" which entitled the employee to the original leave, the employee will reimburse the district for the cost of insurance coverage paid during the leave.
- l. As an employer governed by the Family Medical Leave Act of 1993 Washakie County School District No.1 supports and will comply with all applicable provisions of this law. **(Policy 1.18 Adopted: 5-27-97)**