

1 Great Falls School District

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3 PERSONNEL

5328

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5 Family Medical Leave

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7 In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence
8 of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible
9 employee. Military Caregiver Leave allows for 26 weeks of leave in a single 12-month period.

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11 Reasons for Taking Leave

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- 13 1) The birth of a child;
- 14 2) The placement of a child for adoption or foster care;
- 15 3) A serious health condition that makes the employee unable to perform the functions of the job;
- 16 4) To care for the employee's spouse, child or parent with a serious health condition;
- 17 5) Because of a qualifying exigency arising out of the fact that the spouse, or a son, daughter, or
18 parent of the employee is on active duty (or has been notified of an impending call or order to
19 active duty) in the Armed Forces in support of a contingency operation;
- 20 6) Military Caregiver Leave.

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22 Military Caregiver Leave

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24 Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or
25 next of kin of a covered servicemember with a serious injury or illness to take up to a total of 26
26 workweeks of unpaid leave during a “single twelve (12)-month period” to provide care for the
27 servicemember.

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29 Employee Eligibility

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31 An employee is eligible to take FMLA leave if the employee has been employed for at least
32 twelve (12) months, and has worked at least one thousand two hundred fifty (1,250) hours during
33 the twelve (12) months immediately prior to the date when the leave is requested.

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35 Coordination of Paid Leave

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37 Employees will be required to use appropriate paid leave concurrently while on FMLA Leave.
38 Workers’ Compensation absences will be designated FMLA Leave if eligibility requirements are
39 met.

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41 The Board has determined that the twelve-(12)-month period during which an employee may
42 take FMLA leave is a rolling 12 month period measured backwards from the date an employee
43 uses any FMLA leave.

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1 Medical Certification
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3 The District will require medical certification to support a request for leave or any other absence
4 because of a serious health condition (at employee expense), and may require second or third
5 opinions (at the District's expense) and a fitness for duty report to return to work. The District
6 requires that a request for Military Caregiver Leave be supported by a certification issued at such
7 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a
8 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of
9 such certification to the employer.

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11 **When Both Parents Are District Employees** - If both parents of a child are employed by the
12 District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave
13 may be granted to only one (1) parent at a time, and only if leave is taken:

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15 1. for the birth of a child or to care for the child after birth;
16 2. for placement of a child for adoption or foster care, or to care for the child after
17 placement; or
18 3. to care for a parent (but not a parent-in-law) with a serious health condition.
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20 If spouses are employed by the same employer, the aggregate number of weeks of leave that can
21 be taken is twenty-six (26) weeks in a single twelve (12) month period for Military Caregiver
22 Leave or a combination of Exigency and Military Caregiver Leave. The aggregate number of
23 weeks of leave that can be taken by a husband and wife who work for the same employer is
24 twelve (12) weeks if for exigency leave only.
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26 **Advance Notice** - Employees must provide thirty (30) days advance notice when the leave is
27 "foreseeable." In other situations an employee must give notice as soon as practicable. Leave
28 may be allowed in emergency situations when no advance warning is possible. Inexcusable
29 delays in notifying the District may result in the delay or denial of leave.
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31 **Intermittent/Reduced Leave** - FMLA leave may be taken "intermittently or on a reduced leave
32 schedule" under certain circumstances. Where leave is taken because of birth or placement of a
33 child for adoption or foster care, an employee may not take leave intermittently or on a reduced
34 leave schedule. Where FMLA leave is taken to care for a sick family member or for an
35 employee's own serious health condition, leave may be taken intermittently or on a reduced
36 leave schedule when medically necessary. An employee may be reassigned to accommodate
37 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced
38 leave schedule, increments will be limited to the shortest period of time that the District's payroll
39 system uses to account for absences or use of leave.
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41 **Insurance** - An employee out on FMLA leave is entitled to continued participation in the
42 appropriate group health plan. If the employee is in unpaid leave status it is incumbent upon the
43 employee to continue paying the usual premiums throughout the leave period. An employee's
44 eligibility to maintain health insurance coverage will lapse if the premium payment is more than
45 thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before
46 coverage will cease.
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1 **Return** - Upon return from FMLA leave, reasonable effort shall be made to place the employee
2 in the original or equivalent position with equivalent pay, benefits, and other employment terms.
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4 **Record Keeping** - Employees, supervisors and building administrators will forward requests,
5 forms and other material to Human Resources to facilitate proper record keeping.
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7 **Non-Work Days** – During non-work days, such as summer vacation and holidays, the
8 employee’s FMLA leave entitlement will not be invoked.
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10 **SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

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12 **Leave More Than Five (5) Weeks Before End of Term** - If an instructional employee begins
13 FMLA leave more than five (5) weeks before the end of term, the District may require the
14 employee to continue taking leave until the end of a semester term if:
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- 16 (a) the leave is at least three (3) weeks; and
- 17 (b) the employee’s return would take place during the last three-(3)-week period of
18 the semester term.
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20 **Leave Less Than Five (5) Weeks Before End of Term** - If an instructional employee begins
21 FMLA leave for a purpose other than that employee’s own serious health condition less than five
22 (5) weeks before the end of term, the District may require the employee to continue taking leave
23 until the end of a semester term if:
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- 25 (a) the leave is longer than two (2) weeks; and
- 26 (b) the employee’s return would take place during the last two-(2)-week period of the
27 semester term.
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29 **Leave Less Than Three (3) Weeks Before End of Term** - If an instructional employee begins
30 FMLA leave for a purpose other than that employee’s own serious health condition less than
31 three (3) weeks before the end of term, the District may require the employee to continue taking
32 leave until the end of the academic term if the leave is longer than five (5) days.
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34 **Intermittent or Reduced Leave** - Under certain conditions, an instructional employee needing
35 intermittent or reduced leave for more than twenty percent (20%) of the total working days over
36 the leave period may be required by the District to:
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- 38 (a) Take leave for a period(s) of particular duration not to exceed the duration of
39 treatment; or
- 40 (b) Transfer to an alternate but equivalent position.
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42 In the event the District approves Family Medical Leave for an employee who is not eligible, the
43 leave can be canceled with reasonable notice to the employee.
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1 Legal Reference:

2 29 U.S.C §2601, et seq. Family and Medical Leave Act of 1993
3 29 C.F.R. Part 825, Family and Medical Leave Regulations
4 §§2-18-601, et seq., MCA Leave Time
5 §§49-2-301, et seq., MCA Prohibited Discriminatory Practices
6 Section 585 – National Defense Authorization Act for FY 2008, Public Law [110-181]

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9 Policy History:

10 Adopted on: July 1, 2000
11 Revised on: July 14, 2008
12 Revised on: August 20, 2018