

**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 July 1 and ending June 30 of the next year.<sup>1</sup>

**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.<sup>2</sup>

**Notice of Leave**

An employee shall provide notice in accordance with regulations. If deemed necessary, the Superintendent/Business Manager may waive notice requirements.<sup>3</sup>

**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>4</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>5</sup>

**Implementing Procedures**

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

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Complementing NDSBA Templates (may contain items not adopted by the Board)

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<sup>1</sup>29 U.S.C. 2612, 29 C.F.R. 825.200. The Family and Medical Leave Act (FMLA) permits employers to choose among 4 methods for determining a 12-month period in which the 12-week entitlement occurs. A district may wish to define a year based on its insurance contribution calendar rather than the fiscal year to avoid having to pay health insurance contributions twice to employees who are on a leave for just one school year.

<sup>2</sup>This paragraph presents only one of many alternatives available under the FMLA. The FMLA and its implementing regulations permit an employee to choose to substitute paid leave for FMLA leave and an employer to require an employee to substitute paid leave for FMLA leave 29 U.S.C. 2612(d), 29 C.F.R. 825.207. The sample policy, in the interests of clarity and limiting absences, requires this substitution.

<sup>3</sup> 29 C.F.R. 825.304. Districts may waive the notice requirements.

<sup>4</sup> 29 C.F.R. 825.214 and 825.604. See definition of equivalent position in FMLA exhibit.

<sup>5</sup> 29 C.F.R. 825.602. See regulations for guidelines.

**RECOMMENDED**

Descriptor Code: DDAA

- 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 Hope-Page School District #85 Policy DDAA ..... Adopted: 12/16/20**