

1 REVISION
2 First Reading
3 Joint School District No. 2, Meridian

4
5 STAFF PERSONNEL

6
7 Series 400

8
9 Policy Title Family and Medical Leave Act Code No. 403.10

10
11
12 The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12
13 work weeks of unpaid, job-protected leave each year for specified family and medical
14 reasons. ~~An eligible employee's right to FMLA leave began on August 5, 1993; any~~
15 ~~leave taken before that date does not count as FMLA leave.~~ **An eligible employee is**
16 **defined as an individual who:**

- 17 a) Has been employed by the district for at least twelve (12) months; and
18 b) Has been employed for at least one thousand two hundred fifty (1,250) hours of
19 service during the twelve-month (12-month) period immediately preceding the
20 commencement of the leave; and
21 c) Is employed at a worksite where fifty (50) or more employees are employed by the
22 district within seventy-five (75) miles of the worksite.

23
24 For the purpose of determining eligibility for FMLA, this district will calculate the "twelve-
25 month (12-month) period immediately preceding the commencement of the leave" as a
26 rolling 12-month period measured backward from the date an employee uses any FMLA
27 leave.

28
29 FMLA leave may be taken by an employee for any of the following reasons:

- 30 a) To care for the employee's child after birth or placement of a child with the employee
31 for adoption or foster care;
32 b) To provide care for the employee's spouse, child, or parent, who has a serious
33 health condition; or
34 c) For a serious health condition that makes the employee unable to perform the
35 employee's job.

36
37 An employee must promptly advise ~~Personnel~~ **Human Resource Supervisor**, in writing
38 as soon as the employee becomes aware that he/she is, or will become, temporarily
39 unable to work for any medical reason (pregnancy, personal or family serious health
40 condition) **for more than ten (10) consecutive days**. The employee must also inform
41 ~~Personnel~~ **Human Resource Supervisor** of the anticipated commencement date and
42 duration of his/her inability to work. In addition, intermittent leave or reduced scheduled
43 hours leave may be requested where medically necessary due to a serious health
44 condition.

45
46 Effect on Pay and Benefits:

47
48 FMLA leave is unpaid leave; however, the employee must take any accrued paid
49 vacation days, personal days or sick leave to which he/she is entitled. Use of sick leave
50 must comply with district Policy 402.41. For example, if he/she has accrued two weeks
51 of paid vacation leave, his/her first two weeks of FMLA will also count as paid vacation

52 leave and he/she will receive his/her accrued vacation pay for that period.

53

54 If the employee takes a leave of absence which he/she or the district designates as
55 "FMLA", his/her health benefits (medical & vision, dental) will continue on the same
56 terms and conditions as if he/she were actively at work. The district will continue to pay
57 its share of the benefits. The employee will continue to pay his/her share of the benefits.

58 **The district will provide any necessary notice of termination of such insurance coverage**
59 **due to the employee's failure to pay his/her portion of the premium or the employee's**
60 **request for termination of coverage. Such notice will be provided at least fifteen (15)**
61 **days prior to the termination of coverage.**

62

63 ~~The Meridian School District~~ **Joint School District No. 2** is in compliance with the Family
64 and Medical Leave Act (Appendix A **and B**) and will follow the guidelines, rules and
65 regulations.

66

67

DEFINITIONS

68 **"child (son or daughter)"** includes biological, adopted, or foster child, stepchild,
69 legal ward, or a child of a person standing *in loco parentis* (in place of parent). The
70 child must be either under 18 years of age or, of over 18, incapable of self-care
71 because of a mental or physical disability.

72 **"parent"** includes a biological parent (not parent-in-law) or someone who stood *in*
73 *loco parentis* when the employee was a child.

74 **"spouse"** is a husband or wife, including a common-law husband or wife, but does
75 not include a "significant other" or "domestic partner."

76 **"serious health condition"** is a condition that involves either in-patient care of
77 "continued treatment" by a health care provider.

78 **"Continued treatment"** includes:

- 79 a. Any three (3) days period of incapacity that involves at least two (2) visits
80 to a health care provider; or a regimen of continued treatment under a
81 health care provider's supervision;
- 82 b. Any treatment of incapacity due to pregnancy (including severe morning
83 sickness), even if no treatment is obtained for prenatal care;
- 84 c. Any period of incapacity due to a chronic medical condition, such as
85 asthma, diabetes, or epilepsy, even if no treatment is obtained;
- 86 d. Any period of absence to receive multiple treatments for restorative
87 surgery or a serious illness such as cancer, severe arthritis, or kidney
88 disease; or
- 89 e. Any permanent or long-term incapacity (e.g., Alzheimers' or severe
90 stroke), even if no treatment is being provided.

91

92

93

94

95

96 Date of Revision:

97 7/12/05

Legal Reference: Code of Idaho

29 CFR Part 825