

1 **5328 PERSONNEL**

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3 Family Medical Leave

4 In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up
5 to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for
6 the following reasons: 1) the birth of a child; 2) the placement of a child for adoption or foster care;
7 3) a serious health condition that makes the employee unable to perform the functions of the job; or
8 4) to care for the employee's spouse, child or parent with a serious health condition; 5) because of a
9 qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the
10 employee is on active duty (or has been notified of an impending call or order to active duty) in the
11 Armed Forces in support of a contingency operation.

12 **Service-member Family Leave**

13 Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse,
14 son, daughter, parent, or next of kin of a covered service-member shall be entitled to a total of 26
15 workweeks of leave during a 12-month period to care for the service-member. The leave described in
16 this paragraph shall only be available during a single 12-month period.

17 **Employee Eligibility**

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

21 Employees will be required to use appropriate paid leave while on FMLA Leave. Workers Compensation
22 absences will be designated FMLA Leave.

23 The Board has determined that the twelve-(12)-month period during which an employee may take
24 FMLA leave is a 12 month period measured forward from the first date the FMLA leave is used.

25 At the discretion of the Superintendent, medical certification may be required to determine FMLA initial
26 or continued eligibility as well as fitness for duty.

27 In the event the District approves Family Medical Leave for an employee who is not eligible, the leave
28 can be canceled with reasonable notice to the employee.

29 Legal Reference:

30 29 CFR 825, 29 USC 2601, et seq., 2-18-600, et seq., MCA, 49- 2-300, et seq., MCA

31 Policy History:

32 Adopted on: July 1, 2000

33 Revised on: July 14, 2008