



GBGF-R - COMPLIANCE WITH THE FAMILY AND MEDICAL LEAVE ACT

(Federally-Mandated Family Leave)

Procedure for Requesting and Granting FMLA Leave

An employee requesting FMLA leave must submit a written request on an *application for leave* available from benefits services. When the need for leave is foreseeable, the employee must provide at least 30 days' prior notice to benefits services unless circumstances dictate otherwise. With respect to foreseeable treatments of an employee's family member, the employee must make a reasonable effort to schedule treatment so as not to disrupt district operations.

If the leave is unforeseeable, the employee is required to give notice to the district of the need for the FMLA leave as soon as practicable under the circumstances.

If an employee's requested FMLA leave also constitutes leave (paid or unpaid) under another district policy or the employee agreement, the FMLA leave and the other policy/employee agreement leave shall run concurrently.

In the absence of a request for FMLA leave from an employee, the district may independently determine whether leave under the other policy/employee agreement constitutes FMLA leave and, if so, notify the employee that the leave will be counted against the 12 workweeks of FMLA leave to which the employee is entitled in any 12-month period.

Notification

In the absence of extenuating circumstances, benefits services shall advise an employee as to whether leave is designated as FMLA leave within two days of acquiring sufficient information to make such a determination. The advisement shall be written, or confirmed in writing no later than the next following payday, which is at least one week from the date of an oral advisement.

Determining the 12-month Period for FMLA Leave

The 12-month period during which an employee is entitled to 12 workweeks of FMLA leave shall be calculated backwards on a rolling basis from each day of FMLA leave taken by the employee.

Medical Certification

The district may require certification issued by a health care provider to verify the medical necessity of requests for FMLA leave because of a serious health condition of an employee's spouse, child, or parent and in order to care for the spouse, child or parent, or because of the employee's own serious health condition that makes the employee unable to perform the functions of his or her job.

The district may require a second or third opinion as authorized under the FMLA and may require subsequent recertifications as it deems reasonably necessary. When requested, such certifications and recertifications shall be made on forms provided by the district.

The employee must provide the initial certification and any recertifications to the district within at least 15 calendar days after the district's request, or as soon as reasonably possible under the particular facts and circumstances. Failure to provide notification and appropriate medical certification in a timely manner may result in delayed approval or denial of FMLA leave.

Employees may be required to report periodically on their leave status and intent to return to work.

Employees who have taken a leave due to their own serious health condition will be required to provide certification by their health care provider that they are able to resume work. Certain positions designated by the district will be required to perform a physical abilities test prior to returning to work. In addition, the district reserves the right to consult with a public health official if there is any question about possible transmission of a disease in the school setting.

Additional Rules Concerning FMLA Leave for Teachers

Teachers who would otherwise return from FMLA leave near the end of a semester may be required to continue their leave through the end of the semester under the circumstances set forth below. In such cases, all time on leave after the teacher would otherwise return shall not be counted as FMLA leave.

- Teachers who begin FMLA leave of at least three weeks' duration more than five weeks prior to the end of a semester and who would otherwise return during the three-week period before the end of the semester may be required to continue their leave through the end of the semester.
- Teachers who begin FMLA leave of more than two weeks' duration less than five weeks prior to the end of a semester for any reason other than their own serious health condition making them unable to perform the functions of their job may be required to continue their leave through the end of the semester if they would otherwise return during the two-week period before the end of the semester.
- Teachers who begin FMLA leave of more than five days' duration less than three weeks prior to the end of a semester for any reason other than their own serious health condition making them unable to perform the functions of their job may be required to continue their leave through the end of the semester.

Issued: November 29, 2004

CROSS REFS:
GBGA, Staff Health