



GBGF - COMPLIANCE WITH THE FAMILY AND MEDICAL LEAVE ACT

(Federally-Mandated Family Leave)

The provisions of this policy and its accompanying regulations shall apply to all leaves of absence covered under the Family and Medical Leave Act of 1993 (“FMLA”).

Eligibility for Leave

The FMLA generally entitles eligible employees (those employed for at least 12 months and working at least 1,250 hours during the immediately preceding 12 months) to a total of 12 workweeks of leave during any 12-month period for the following family and medical reasons: (1) because of the birth of a child of the employee and in order to care for the child; (2) because of the placement of a child with the employee for adoption or foster care; (3) when the employee is needed to care for a child, spouse or parent who has a serious health condition; or (4) when the employee is unable to perform the functions of his or her position because of a serious health condition.

An employee’s entitlement to leave for reasons (1) or (2) in the immediately preceding paragraph expires at the end of the 12-month period beginning on the date of the child’s birth or placement. Spouses who are both employed by the district shall each be entitled to 12 workweeks of leave during any 12-month period for reasons (1), (2), (3) and/or (4) specified in the immediately preceding paragraph.

In the case of foreseeable intermittent or reduced 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 the employee to be temporarily transferred or reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of absence or part-time schedule. Teachers requesting intermittent or reduced FMLA leave involving greater than 20 percent of their working time during such period of leaves may, in the alternative, be required to take leave continuously for all or a specified part of the total period involved.

Leave taken intermittently or on a reduced leave schedule under the FLMA shall not be allowed because of the birth of a child of an employee and in order to care for the child, or because of the placement of a child with an employee for adoption or foster care.

Health Insurance and Benefits

During any period of FMLA leave, an eligible employee’s group health insurance benefits shall be maintained under the same terms and conditions as if his or her employment had continued during the period of FMLA leave, including the condition that the employee continue to make all premium payments over and above the amount paid by the district which may be necessary to maintain the level of health insurance

coverage existing before the FMLA leave. The employee's failure to make such premium payments will result in a corresponding lapse in coverage.

A qualifying event for COBRA continuation coverage occurs in connection with FMLA leave when an employee does not return from such leave, when an employee unequivocally states that he or she will not return from such leave, or when an employee fails to make any premium payments otherwise required during the period of such leave.

The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an FMLA leave.

Reinstatement After FMLA Leave

Except as otherwise provided in this section, upon return from FMLA leave employees will be restored to the position they held when the leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment in accordance with applicable district policies and the employee agreement. If the employee in question is a salaried employee and is among the highest paid 10 percent of district employees, and if keeping the same or similar position open for the employee would result in substantial economic injury to the operations of the district, the employee may be denied reinstatement to the same or similar position provided the district notifies the employee of its intent to deny such reinstatement at the time it determines substantial economic injury would occur (and, if the FMLA leave has already begun, the employee elects not to promptly return to work in response to the notice).

Notwithstanding any other provision of this policy or its accompanying regulations, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the period of FMLA leave.

Compliance with Governing Law

The district shall fully comply with the FMLA and shall be entitled to take all actions and exercise all options authorized under the FMLA consistent with the terms and procedures set forth in this policy and its accompanying regulations. In the event that any terms or procedures set forth in this policy or its accompanying regulations conflict or are otherwise inconsistent with mandatory provisions of the FMLA, the mandatory provisions of the FMLA shall be controlling.

Posting/Notice to Employees

Building principals/administrators shall post in conspicuous places notice of employees' rights under the FMLA as prepared or approved by the secretary of labor.

Adopted: November 29, 2004

LEGAL REF:

29 U.S.C. 2601 et seq. (Family and Medical Leave Act)

29 C.F.R. Part 825 (Regulations)