

Family and Medical Leave Act (FMLA)

Central Rivers AEA complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees (or up to 26 weeks of military caregiver leave).

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns or disputes with this policy, please contact Assistant Chief Administrator/Director of Human Resources.

Eligibility

To be eligible for leave under this policy, employees must meet **all** of the following requirements:

- Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles.
- Have worked at least twelve (12) months for Central Rivers AEA.
- Have worked at least 1,250 hours for Central Rivers AEA over the twelve (12) months preceding the date the leave would commence.
 - Instructional employees are excluded from this rule. The term instructional employee does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, maintenance workers, or other primarily non-instructional employees.

The 12 months of employment do not have to be consecutive.

Reasons for Leave

To qualify as FMLA leave under this policy, the leave must be for one of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care.
- To care for a spouse, child or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job.
- For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or on call to covered active duty status.
- To care for a covered service member with a serious injury or illness.

Amount of Leave

An eligible employee can take up to 12 weeks of FMLA leave during any 12-month period. The agency will measure the 12-month period measured forward from the date the employee's first FMLA leave commenced.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period.

Employee Notice Requirement and Application Forms

FMLA posted notice: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>

All employees requesting FMLA leave must provide verbal or written notice of the need for leave to their Supervisor and Director of Human Resources. Application forms can be obtained from the [HR office](#).

Employee Status and Benefits During Leave

Central Rivers AEA will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on **unpaid leave**, the employee must continue to make this payment, either in person or by mail.

If the employee contributes to a life insurance or disability plan, the agency will continue making payroll deductions while the employee is on paid leave. While the employee is on **unpaid leave**, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the agency may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the agency will discontinue coverage during the leave. If the agency maintains coverage, the agency may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from a health care provider. This requirement will be included in the agency's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, when an employee takes six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for **unpaid leave**.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for **unpaid leave**. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave or sick leave (as long as the reason for the absence is covered by the agency's sick leave policy) prior to being eligible for **unpaid leave**.

The agency will not provide paid leave in any situation in which the agency would not normally provide any such paid leave.

If you believe Central Rivers AEA has failed to comply with the provisions of this Act, you may file a complaint pursuant to the provisions of Board Policy 404.4.

Adopted: 12-8-10
Reviewed: 11-2-16
Amended: 11-1-17
*Amended: 05-04-22

**May 2022: No changes to current procedures, however policy was updated to match IASB*