

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: GCCBC
First Reading School Board 6/17/09      Previously: GBN Second Reading & Adoption 7/1/09 Code Change Adopted School Board: May 2, 2012 School Board First Read: July 16, 2014 School Board Second Read Adoption: August 20, 2014	Page 1 of 2 Category: Recommended

**FAMILY AND MEDICAL LEAVE ACT**

Oyster River Cooperative School District Employees are entitled to family and medical leave under the federal Family and Medical Leave Act of 1993 (“FMLA”) when they meet all of the eligibility requirements of the law. This policy sets forth several rules that must be applied uniformly to all employees who may be eligible for family and medical leave. The Superintendent and his/her designees are authorized to administer the federal law and accompanying regulations consistent with this policy.

More information concerning family and medical leave can be obtained from Oyster River Cooperative School District Central Office.

**A. Employee Eligibility Period**

**1. 12-Month Period for Birth, Adoption or Foster Care; Serious Health Condition Purposes; Qualifying Exigency**

There is a 12-month eligibility period for FMLA leave taken for the following qualifying purposes:

- a. Birth and care of the newborn child of the employee;
- b. Placement with the employee of a child for adoption or foster care;
- c. Care for an immediate family member (spouse, child, or parent) with a serious health condition;
- d. Medical leave when the employee is unable to work because of a serious health condition; or
- e. Qualifying exigency leave for an employee whose spouse, child or parent in the National Guard, Reserves or retired military is on active duty or called to active duty status.

The 12-month period used to determine employee eligibility for FMLA for the purposes described above shall be:

- A “rolling” 12-month period measured backwards from the date any FMLA leave usage begins.

**2. 12-Month Period for Military Caregiver Leave**

There is a separate 12-month period for employees eligible for military caregiver leave of up to 26 weeks. Such leave may be taken to care for a spouse, child, parent or next of kin of a service member with a serious injury or illness. This leave is calculated from the first day that leave is taken for this purpose and does not track the employer’s customary 12-month FMLA tracking period. Any military caregiver leave that is not taken with the specific 12-month period is forfeited.

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3. The Family and Medical Leave Act (FMLA) entitles eligible employees who work for covered employers to take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a “qualifying exigency” arising out of the foreign deployment of the employee’s spouse, child, or parent. FMLA leave for this purpose is called qualifying exigency leave.

**B. Notice by Employee**

Employees requesting leave shall provide at least 30 days’ notice to the Superintendent or his/her designee whenever the need for such leave is foreseeable. The employee shall provide appropriate medical certification (or other certification appropriate to the particular request) supporting the leave request.

When the Superintendent or his/her designee has reason to believe that an employee is or will be absent for an FMLA-qualifying purpose, the Superintendent or designee should request the appropriate information from the employee to determine the employee’s eligibility for family and medical leave.

**B. Coordination with Other Leave**

When leave is taken that qualifies both as FMLA and as permitted leave under any employment contract, collective bargaining agreement or policy, the employee shall use FMLA and the other type of leave concurrently, provided that the employee meets all of the eligibility requirements for each type of leave. Types of leave that shall run concurrently with FMLA include, but are not necessarily limited to: personal and/or family sick leave, unpaid leave, disability leave, absence for work-related injuries, vacation and any other applicable types of leave.

Example: An employee with a chronic illness qualifies for both sick leave and family medical leave. The employee has 25 days (five weeks) of accumulated paid sick leave. For the first five weeks, the employee is on paid sick leave and family and medical leave; the two types of leave run concurrently. Once the sick leave is exhausted, the employee has seven more weeks of unpaid family medical leave until her 12-week federal FMLA entitlement is used up.

**C. Fitness for Duty Certificate**

Before returning to work, employees taking FMLA for their own serious health condition shall submit a certificate from a health care provider indicating that they are able to return to work and perform the essential functions of the position.

Legal Reference: 26 USC § 2601 et seq.  
29 CFR Part 825 (2008)  
National Defense Authorization Act (P.L. 110-181)