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3 **PERSONNEL**

5328

page 1 of 2

4
5 Family Medical Leave

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

16
17 Servicemember Family Leave

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19 Subject to Section 103 of the FMLA of 1993, as amended, an eligible employee who is the
20 spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a
21 total of twenty-six (26) workweeks of leave during a twelve-(12)-month period to care for the
22 servicemember. The leave described in this paragraph shall only be available during a single
23 twelve-(12)-month period.

24
25 Eligibility

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27 An employee is eligible to take FMLA leave, if the employee has been employed for at least
28 twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during
29 the twelve (12) months immediately prior to the date leave is requested, and there have been at
30 least fifty (50) District employees within seventy-five (75) miles for each working day during
31 twenty (20) or more workweeks in the current or preceding calendar year.

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33 The Board has determined that the twelve-(12)-month period during which an employee may
34 take FMLA leave is: 1) July 1 to June 30 or other specific dates; 2) the calendar year; 3) twelve
35 (12) months forward from the date of a particular employee's first FMLA leave; or 4) twelve
36 (12) months backward from the date of FMLA leave. **PICK ONE**

37
38 Coordination of Paid Leave

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40 Employees will (not) be required to use appropriate paid leave while on FMLA leave. **PICK**
41 **ONE** Workers' compensation absences will (not) be designated FMLA leave. **PICK ONE**

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43 Medical Certification

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45 The Superintendent has discretion to require medical certification to determine initial or
46 continued eligibility under FMLA as well as fitness for duty.

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NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee’s employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight “Resources & Services” tab and click on “Required Postings”.

Legal Reference: 29 U.S.C §2601, *et seq.* - Family and Medical Leave Act of 1993
29 C.F.R. Part 825, Family and Medical Leave Regulations
§§2-18-601, *et seq.*, MCA Leave Time
§§49-2-301, *et seq.*, MCA Prohibited Discriminatory Practices
Section 585 – National Defense Authorization Act for FY 2008, Public
Law [110-181]

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