

HR Instructions Manual

FAMILY & MEDICAL LEAVE ACT OF 1993

Purpose

These requirements to be consistent with Government Code Section 12945.2, Family & Medical Leave Act of 1993, and the California Family Rights Act, shall be interpreted so there will be no violation of those laws. An employee with more than one (1) year of continuous service, also eligible for other leave benefits with at least 1,250 hours of service in the 12-month period preceding the leave may request an unpaid family & medical care leave. Such leave may be granted twelve (12) workweeks in any 12-month period. Female employees are allowed up to 28 weeks (FMLA 12 weeks, CFRA 16 weeks) for reasons of pregnancy, childbirth, or related medical conditions.

Definitions

Family & Medical Care Leave means either of the following:

1. Leave for reason of the birth of a child of the employee, the placement of a child with an employee in connection with the adoption of the child by the employee, or the serious illness of a child of the employee, or the placement of a child of the employee for foster care; or
2. Leave to care for a parent, child, or a spouse who has a serious health condition; or because of a serious health condition that makes the employee unable to perform the functions of the position.

Procedure

1. Employee must request Family & Medical Care Leave on the approved District form - Request for Long-term Unpaid Leave of Absence.
2. Employee is required to submit, at time of request, written certification issued by the health care provider.
 - a. Certification must include date on which serious condition commenced; probable duration; estimate of time employee may be required to care for family member; statement that condition warrants participation of employee.
 - b. If additional leave is required, up to the 12-week limitation, recertification is required as in initial certification outlined above.
3. All requests and supporting certification shall be submitted to Payroll and Benefits Manager.
 - . Reasonable advance notice shall be required if the leave is foreseeable.
 - a. If leave is required for planned medical treatment or supervision, employee should make reasonable effort to schedule the supervision or treatment to avoid disruption to the District.
4. District may refuse to grant leave, even though all requirements have been satisfied, for the following reasons:
 - . The refusal is necessary to prevent undue hardship to the District.
 - a. If the employee and any other parent would receive unpaid family & medical care leave exceeding 12 weeks in any 12-month period.
 - b. Any other parent is also taking family & medical care leave at the same time or is unemployed.

- c. If the employee and spouse are both District employees, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period unless the leave involves a serious health condition of the employee.
- 5. Any employee granted leave under the act will be returned to their previous assignment (or an equivalent) following the leave.
 - . In accordance with legislation effective August 5, 1993, health care coverage at the same rate as for active employees will continue during this leave.
 - a. Upon return to service after the leave, all benefits and seniority will be restored to those held prior to the time leave began.

Forms Required

1. Request for Long-term Unpaid Leave of Absence
2. Letter of certification from health care provider
3. Sick leave authorization form

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