

Family and Medical Leave

a) Dallas County Schools complies with the provisions of the Family and Medical Leave Act ("FMLA") of 1993, as well as applicable state leave law that provides job-protected leaves of absence for specific reasons. *26 U.S.C. § 2611 et seq.*

b) Employee Eligibility. An employee is not eligible to take a FMLA leave unless he or she (1) has worked at Dallas County Schools for at least 52 weeks; (2) worked at least 1,250 hours in the twelve months prior to when the leave will commence; (3) has not used all available FMLA leave in the 12 months looking back from the date the requested leave will commence; and (4) there is a qualifying event.

c) Qualifying Event. Under FMLA, there are only four qualifying events.

i) birth and care of the employee's newborn child;

ii) placement of a child with the employee for adoption, or by the State for foster care;

iii) to care for the employee's spouse, child or parent with a serious health condition (this does not include in-laws); or

iv) the employee's own serious health condition which prevents him or her from performing the essential functions of the job, including workers' compensation leaves. A serious health condition means a mental or physical illness, injury or impairment that involves inpatient care [including any ensuing period of incapacity] or continued treatment by a health care provider. Continued treatment by a health care provider means: (1) incapacity for more than three calendar days plus two or more doctor's visits or one visit plus treatment such as prescribed medication or therapy; (2) incapacity due to pregnancy, or for prenatal care; (3) incapacity due to a chronic condition involving periodic medical visits for treatment of recurring or episodic conditions [such as asthma, diabetes or epilepsy]; (4) permanent or long-term incapacity [such as Alzheimer's, severe stroke or terminal stages of a disease]; or (5) an absence to receive treatment for restorative surgery after an accident or other injury, or for treatment of a condition that would result in incapacity if left untreated [such as chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease].

d) Amount of Leave.

i) Eligible employees may take up to twelve weeks of leave during a rolling twelve-month period. The twelve-month period is determined by measuring backward from the date an employee takes any FMLA leave.

ii) Spouses who are employed by Dallas County Schools, and who request FMLA leave for the birth, adoption, or foster care placement of a child with the employee, are eligible for a combined twelve weeks between the two employees. In other words, both employees continue to be eligible for twelve weeks of FMLA leave apiece, but may only take twelve weeks between them for this event. If the leave is for birth, adoption or foster placement of a child with the employee, available leave can be taken at any time during the 12 months after the birth or placement.

iii) If the leave involves a serious health condition, leave can be taken on an intermittent or reduced schedule basis [rather than continuously] if medically necessary, but the employee may be temporarily transferred to another position that better accommodates the need for leave.

e) Employee Notice.

i) If the reason for the FMLA leave is foreseeable [such as planned surgeries or normal births], the employee should give Dallas County Schools 30 days notice.

ii) If the need for leave is not foreseeable [such as a car accident or premature birth], the employee is expected to notify Dallas County Schools as soon as possible and, in no event, more than two days after knowing of the need for leave.

iii) Notice to Dallas County Schools is accomplished by completing a FMLA Request Form, which is available from the Human Resources Department.

f) If the reason for the leave involves a serious health condition, you will be provided with a Certification of Health Care Provider form that must be completed by the physician and returned to the Human Resources Department within 15 calendar days.

g) Pay and Benefits During FMLA Leave.

i) Dallas County Schools' Human Resources Department will provide employees with a written explanation of the status of pay and benefits at the start of FMLA leave.

ii) FMLA leave is usually unpaid, however, an eligible employee must use earned but unused vacation and personal days during the absence.

iii) The employee's medical insurance coverage will be maintained during the leave under the same conditions as if the employee had continued to work. This means that the employee must continue to pay the portion he or she normally pays toward the premium or risk cancellation of health benefits coverage during the leave. If an employee is on a paid leave, the premiums will be deducted from the employee's pay as usual. If some or all of the FMLA leave will be without pay, information on how and when to make premium payments will be provided at the beginning of the FMLA leave. If necessary, an employee will be allowed to discontinue medical coverage and be reinstated to the plan, if he or she returns to work on or before expiration of the FMLA leave.

iv) Benefits, such as vacation and personal days, do not accrue during the unpaid portion of FMLA leave, if any.

v) An employee on a paid FMLA leave will receive holiday pay for any holiday that falls during his or her FMLA leave.

h) Return to Work.

i) The employee should notify the Dallas County Schools of his or her intent to return to work two weeks prior to the anticipated date of return, as well as any medically necessary changes in the date of return.

ii) If the leave involved the employee's own serious health condition, Dallas County Schools will require a "fitness for duty" certification from the employee's health care provider verifying the ability to return to work, with or without restrictions.

iii) Employees may also be required to submit to a medical examination before returning to work under certain circumstances.

iv) If the employee returns to work on or before expiration of available FMLA leave, the employee will normally be returned to his or her former position or an equivalent position.

v) If the employee cannot return to work upon expiration of the FMLA leave, there is no guarantee of reinstatement.

vi) If an employee has been medically released to return to work and fails to report to work or call in with a satisfactory explanation by the next business day, Dallas County Schools will treat this as a voluntary resignation. *Adopted*

