FMLA Guidelines for CSD Employees

Eligibility

- Must be employed by the District for a minimum of 12 months
- Must work for a minimum of 1,250 hours during the 12-month period immediately preceding the beginning of leave.
- Can be used for serious medical conditions or other qualifying events (childbirth and bonding, adoption or foster care placement, qualifying military exigency leave).
- Must exhaust all accrued paid leave (personal leave, family leave, sick leave, and vacation leave) prior to the use of leave without pay during the FMLA period.
- The District can designate any qualifying leave time as FMLA.**

Definitions

- **Eligible family member** = spouse, son, daughter, or parent of the eligible employee
- **Spouse** = husband or wife entered into marriage as recognized under state law in the state in which the marriage was entered. This includes common law and same-sex marriages.
- **Son or Daughter** = Biological, adopted, foster child, or legal ward, or a child of a person standing in loco parentis.
- **Parent** = Biological parent of the eligible employee or an individual who stands/stood in loco parentis to the employee when that employee was under 18. Parent does not include parents-in-law.
- **Serious Health Condition** = An illness, impairment, or physical/mental condition that requires inpatient care in a hospital, hospice, or residential medical facility; **or** continuing treatment certified as required by a health care provider.
- **Health Care Provider** = Doctor of medicine or osteopathy authorized to practice medicine or surgery, or any person determined by the secretary of labor to be capable of providing health care services, or any health care provider from whom the District's group health plan benefits manager will accept medical certification of the evidence of a serious health condition.

Administration

- Forms for application and certification of FMLA are available at Human Resources Forms – Canyons School District and in the HR office.

- Employees should submit their request for FMLA leave 30 days in advance, or as soon as possible in emergency situations.
- Within 5 business days, the District shall notify the employee in writing of the designation of FMLA, with applicable conditions of use of that leave.
- Within 15 days after leave, the employee is required to provide a Medical Certification Statement/certificate issued by a health care provider of the eligible employee/eligible family member.
- Eligible employees are entitled to 12 workweeks of leave without pay based on a rolling 12-month period looking back from the date the leave was needed.
- Use of accrued leave time is counted against the FMLA leave entitlement. Employees are also restricted to 12 total workweeks of leave even if the employee is entitled to other unpaid leave.
- Total leave, whether paid or unpaid, is limited to 12 work weeks.
- The employee must continue to pay their portion of the health insurance premium to keep coverage in effect.
- When medically necessary, FMLA leave may be taken intermittently. For planned medical treatment, employees must first develop a schedule with their immediate supervisor, with input from their health care provider, that meets the District's needs without unduly disrupting the District's operation. The District can require the employee to transfer temporarily to an alternative position with equivalent pay/benefits that better accommodates the requested leave schedule.
- Additional rules apply when an employee begins FMLA leave near the end of a school year. Please see Policy 400.26 – Family Medical Leave – Canyons School District for more information.

Returning to Work after FMLA Leave

- The District requires Medical Certification from all employees returning from leave caused by a serious health condition (submit at least 2 business days before the requested return date). The certificate shall state that the employee is medically fit to return to work in the previous position and that the serious medical condition no longer prevents the employee from performing the essential functions of their position. At their expense, the District may require additional certification in support of this request to return.
- The employee has a right to be restored to the same or equivalent job, as determined by the District, upon return from FMLA leave.

Maternity Leave and FMLA leave guidance specific to childbirth/bonding

- Employees can use up to 6 weeks of maternity leave for childbirth recovery if they have donated to the sick bank.
- The 6 weeks of maternity leave run concurrently with available FMLA leave.
- Childbirth recovery leave begins the day the baby is born.
- Typical recovery is up to 6 weeks for vaginal birth and up to 8 weeks for cesarean section birth. Any additional time needed for **recovery** beyond the 6 weeks allowed under the District's maternity leave shall be covered by the employee's other available leave options.
- Recovery time beyond 6 weeks must be certified by a medical provider. Recovery can be for other reasons than physical health, such as mental wellbeing. **It is important to work with your provider** to determine your individual medical needs.
- Time off to care for the child **after recovery** is considered **bonding**.
- Employees who qualify for FMLA leave can use any remaining non-paid FMLA leave up to 12 total weeks for bonding.
- The bonding period must be consecutive days and can be accessed up to one year after the child's birth.
- FMLA bonding leave runs concurrently with any other available leave **except** for sick leave. You cannot use sick leave for bonding because the child is not sick and recovery time is complete.

**Once an employee communicates a need to take leave for an FMLA-qualifying reason, neither the employee nor the District can decline FMLA protection for that leave. If an employee substitutes their paid leave for unpaid FMLA leave, the employee's leave counts toward their FMLA allotment.