

**Employees Covered:** Employee must have been employed for at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. Ten-month classified employees who work six hours per day or less will not meet the 1250 hour test.

**Qualifying Condition or Event:** An employee may take FMLA leave for:

1. The birth of a child and to care for the newborn child;
2. The placement with the employee of a child for adoption or foster care by the employee;
3. To care for the employee's child, parent, or spouse who has a serious health condition; and
4. Because of an employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, including disability due to pregnancy, childbirth, or related medical conditions.

**Length of Leave:** Up to 12 weeks of unpaid leave in 12-month period. Leave time for *spouses* employed by the same employer may be aggregated when leaves are taken for the birth, adoption, or foster care of a child and for the serious health condition of the employee's parent. Weeks are calculated using the rolling 12 months measured backward method. (FMLA leave does not continue if the qualifying person becomes deceased.)

**Medical Certification:** Employers may require medical certification of the existence of a serious health condition of the employee or of a family member. Certification must be provided within 15 calendar days.

Second and third medical opinions are permitted, but the doctor cannot be the one that the employer regularly uses.

**Pay Status During Leave:** Unpaid, but the employee may use certain paid time. The employer may require, or the employee may elect, to use vacation or paid time off or paid sick time for employee's or family member's serious health condition or birth or placement of child.

**Retroactive Designation:** Employers may not designate a leave as FMLA leave after the employee has returned to work unless: (1) the employer did not learn the FMLA reason for the absence until the employee's return and

the employer makes and notifies the employee of the designation within two business days of the employee's return; or (2) within two days of returning from leave, the employee notifies the employer that the leave was taken for an FMLA qualifying reason and requests that the leave be counted as FMLA leave.

**Entitlement to Health Benefits:** Employer must continue to provide and pay for group health benefits during the period of leave on the same basis as coverage would have been provided had the employee been continuously employed during the entire leave period.

**Intermittent Leave or Part-Time Schedule:** Employer must grant intermittent leave or part-time schedule when medically necessary because of the employee's or family member's serious health condition. Leave must be taken in full day increments. No intermittent leave or part-time schedule is permitted for child care leaves, unless the employer agrees.

**Reinstatement Rights:** An employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

**Employers' Notification Responsibilities:** After the employer knows that the leave is being taken for a family care and medical leave-qualifying reason, the employer must promptly notify the employee that the leave is designated and will be counted as Family Care and Medical Leave.

The FMLA requires that the employer notify the employee of the leave's designation within two business days, absent extenuating circumstances.

**Employees' Notification Responsibilities:** The employee must provide written notice to the employer as far in advance of the leave as possible and as soon as the employee reasonably knows of the need for the leave. If the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment, the notice must be provided at least 30 calendar days in advance of the leave, or if not reasonably known 30 calendar days before the leave, then as soon as reasonably practicable.

The written notice must inform the employer of the reasons for the leave, the anticipated duration of the leave, and the anticipated start of the leave.

**Sequoia Union High School District  
Human Resources & Professional Development**

*FAMILY AND MEDICAL  
LEAVE ACT  
(FMLA)*

