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3 **PERSONNEL**

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

15  
16 Servicemember Family Leave

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

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22 Eligibility

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

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29 The Board has determined that the twelve-(12)-month period during which an employee may take FMLA  
30 leave is twelve (12) months backward from the date of FMLA leave.

31  
32 Coordination of Paid Leave

33 Employees will be required to use appropriate paid leave while on FMLA leave. Workers’ compensation  
34 absences will be designated FMLA leave.

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36 Medical Certification

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

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40 Legal Reference: 29 U.S.C §2601, *et seq.* - Family and Medical Leave Act of 1993  
41 29 C.F.R. Part 825, Family and Medical Leave Regulations  
42 §§2-18-601, *et seq.*, MCA Leave Time  
43 §§49-2-301, *et seq.*, MCA Prohibited Discriminatory Practices  
44 Section 585 – National Defense Authorization Act for FY 2008, Public Law  
45 [110-181]

46 Policy History:

47 Adopted on: 04/30/2013  
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