

POLICY GBD

Board of Education Las Cruces Public Schools

Related Entries: GBD-R; GCC

Responsible Office: Associate Superintendent for Human Resource Development [Chief Human](#)

[Resources Officer](#)

Applicable To: Union Certified Employees Union Classified Employees Non-Union Employees All Employees

Family Medical Leave Act

I. PURPOSE

The purpose of this Policy is to ensure that the District complies with the mandatory provisions of the Family and Medical Leave Act, PL 103-3; 29 USC sec. 2601; 29 CFR 825.

II. BACKGROUND

[Family Medical Leave Act \(FMLA\) is a federal law passed in 1993 that entitles eligible employees up to 12 workweeks or up to 480 hours of job-protected unpaid leave for family and medical reasons during a 12-month period.](#)

In support of the health and well being of its employees, the Board of Education believes all District employees shall be entitled to provisions offered to them through the Family and Medical Leave Act. When the provisions are administered and followed appropriately, employees will be able to attend to their personal and family medical issues while protecting their employment status within the District.

III. DEFINITIONS AND ELIGIBILITY

1. "Year," means [the](#) twelve (12) months ~~on a rolling calendar basis, calculated from the date that the leave begins~~ [period measured forward from the first date an employee takes FMLA leave.](#)
2. "Eligibility" means all employees who:
 - a. have worked a minimum of 1,250 hours during the preceding twelve (12) month period, which may or may not be consecutive, but only to the extent required by law, and
 - b. have been employed by the District for at least a twelve (12) month period.
 - c. [Full-time classroom teachers are deemed to meet the 1,250 service hour requirement.](#)

IV. POSITION

- A. This Policy applies to all district employees. ~~(faculty and staff).~~
- B. ~~The Board of Education will grant up to twelve (12) work weeks of family and medical leave during any 12 month period to eligible employees.~~
- C. The employee is responsible for accurately and appropriately reporting the leave. Inappropriate use of leave may be cause for disciplinary action, up to and including discharge or termination.
- D. Under the FMLA, an eligible employee may take leave under the following circumstances:
 - a. ~~For the birth of a son or daughter and to care for a newborn child, if the leave is completed by the child's first birthday~~ For incapacity due to pregnancy, prenatal care, or child birth, and to care for the employee's child after birth (leave must be taken within 12 months after birth);
 - b. ~~Placement of the child with the employee for adoption or foster care, if the leave is completed by one year after the initial placement.~~ For adoption and foster care, and to care for the employee's child after placement of a child with the employee by adoption or foster care (leave must be taken within 12 months after placement);
 - c. ~~To care for a spouse, child or parent of the employee who requires such care because of a serious health condition.~~ To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
 - d. ~~Because an employee has a serious health condition which renders him unable to perform the functions of the employee's job.~~ For the employee's own serious health condition that makes the employee unable to perform one or more essential functions of his or her current position;
 - e. Because of a qualifying exigency arising out of the fact that a spouse, son, daughter or parent is on (or has been notified of an impending call to) covered active duty in the Armed Forces (including of the National Guard or Reserves.)
- E. The Superintendent or designee shall inform employees of FMLA opportunities through printed and online communications.
- F. The Superintendent shall promulgate regulations for the enforcement of this ~~policies~~ policy.

V. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Board of Education, President

Date Approved

History: previously part of the Leave Policy; new policy GBD, 05.27.14, [Revised 01.25.19](#)

Legal Reference: PL 103-3; 29 USC sec. 2601; 29 CFR 825