

# POLICY GBD

## Board of Education Las Cruces Public Schools

**Related Entries:** GBD-R; GCC

**Responsible Office:** 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 adopts this policy to ensure that all District employees entitled to the provisions offered through the Family and Medical Leave Act are afforded the benefits of the Act. The Board believes that when the provisions of the Act 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 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.

3. “*Parent*” means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.
4. “*Son or daughter*” means a biological adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in loco parentis, who is
  - a. Under 18 years of age; or
  - b. 18 years of age or older and incapable of self-care because of a mental or physical disability.
5. “*Spouse*” means a husband or wife.

#### **IV. POSITION**

- A. This Policy applies to all district employees.
- B. The employee is responsible for accurately and appropriately reporting the approved leave. Inappropriate use of approved leave may be cause for disciplinary action, up to and including discharge or termination.
- C. Under the FMLA, an eligible employee may take leave under the following circumstances:
  - a. 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. 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 the employee's spouse, son or daughter, or parent, who has a serious health condition;
  - d. 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.)
- D. The Superintendent or designee shall inform employees of FMLA opportunities through printed and online communications.
- E. The Superintendent shall promulgate regulations for the implementation and enforcement of this policy.

**V. REVIEW**

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



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*Board of Education, President*

3/19/19

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*Date Approved*

**History:** previously part of the Leave Policy; new policy GBD, 05.27.14, Revised 03.19.19  
**Legal Reference:** PL 103-3; 29 USC sec. 2601; 29 CFR 825