



4510.06: LEAVES OF ABSENCE - FAMILY MEDICAL LEAVE ACT (FMLA)

I. Entitlement to Unpaid Leave under the FMLA.

A. Eligibility for Family/Medical Leave. Any employee with 12 months or more of service who worked 1,250 hours or more in the immediately preceding 12 months is eligible for a Family Leave and Medical Leave Act (FMLA). An eligible employee shall be entitled to a total of 12 work weeks of leave during any 12-month period for one or more of the following reasons:

1. The birth of a son or daughter of an employee and in order to care for such son or daughter;
2. The placement of a son or daughter with an employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent of an employee if such spouse, son, daughter, or parent has a serious health condition;
4. A serious health condition that makes an employee unable to perform the functions of the position of such employee;
5. A qualifying exigency arising out of employee's spouse, son, daughter or parent being on covered active duty or who has been notified of an impending call or order to covered active duty; and/or

6. An employee's cumulative absences under this policy may not exceed 12 weeks in any 12 month period. The 12-month period shall be measured backward from the date the employee uses the FMLA leave. If employee's spouse also works for the District, their combined FMLA leave for any purpose other than their own serious health condition or that of a child or spouse shall be limited to 12 weeks in a 12-month period, except as hereinafter provided.

B. Military Family Leave under the Family and Medical Leave Act. An eligible employee shall be entitled to FMLA leave for any qualifying exigencies arising from the foreign deployment of the employee's spouse, son, daughter or parent with the Armed Forces or to care for a serviceman with a serious injury or illness if the employee is the servicemember's spouse, son, daughter, parent or next of kin as follows:

1. Thirty (30) days during the time the deployment order is in effect for a spouse or parent of the employee as set forth in the Nebraska Family Military Leave Act;

2. A total of 12 work weeks of leave during any 12-month period because of any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces; or

3. A total of 26 work weeks of leave during any 12-month period to care for a covered servicemember who is a spouse, son, daughter, parent, or next of kin, when the covered servicemember is:

i. A member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status or on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty, or existed before the beginning of the servicemember's active duty and was aggravated by service in the line of duty in the Armed Forces, and which may render the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank, or rating.

ii. A veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, for a qualifying injury or illness, as defined by the Secretary of Labor, that was incurred by the member in the line of duty on active duty in the Armed Forces, or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that manifested itself before or after the member became a veteran.

C. Expiration of Entitlement for Child Birth or Adoption Leave. The entitlement to leave for child birth or adoption leave shall expire at the end of the 12-month period beginning on the date of such birth or placement.

D. Combined Leave Total. An eligible employee shall be limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reasons during the single 12-month period.

E. Paid and Unpaid Leave. If the District provides paid leave for a lesser period of time, the additional weeks of leave necessary to attain the days or work weeks of leave required under this Rule will be provided without compensation.

1. The District shall require the employee to substitute any of the employee's available paid leave for any part of the time period for such leave.

2. No extensions beyond the required periods of leave for any given 12-month period will be allowed without prior District approval. However, if an employee uses paid leave under circumstances that are determined by the District not to qualify as FMLA leave, the leave will not count against the weeks of FMLA leave to which the employee is entitled.

3. If any of the above provisions are subject to a collective bargaining agreement, and provided that such provisions do not impose additional limitations or violate state or federal law, the provisions of the collective bargaining agreement shall prevail.

F. Intermittent or Reduced Leave.

Date of Adoption

September 7, 1993

Date of Revision

September 9, 1996

August 11, 2008

May 18, 2009

February 21, 2011

November 6, 2017

Related Policies and Rules

[4510: Leaves of Absence](#)

[4510.01: Illness, Injury, Disability](#)

[4510.03: Business and Emergency Leave](#)

[4510.05: Extended Leave Without Pay](#)

Legal Reference

Family and Medical Leave Act of 1993; 29 U.S.C. §§ 2601 to 2619; 29 C.F.R. §§ 825.100 to 825.800.;
Nebraska Family Military Leave Act, Neb. Rev. Stat. §§ 55-501 to 55-507