

PERSONNEL

Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse/domestic partner, child, or parent with a serious health condition but not a parent-in-law; or 5) because of a qualifying exigency (as the United States Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse/domestic partner, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. The District will measure the 12 month period during which an employee may take FMLA leave by rolling forward one calendar year from the first date of use of leave.

Servicemember Family Leave

Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse/domestic partner, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

Eligibility

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

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

Medical Certification

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

Legal References: 29 USC 2601, et seq. Family and Medical Leave Act
 29 USC 201, et seq Fair Labor Standards Act

29 C.F.R. Part 825

§§2-18-601, et seq., MCA
§§49-2-301, et seq., MCA
Section 585 –
§ 2-6-101, et al MCA
24.9.805, ARM

Family and Medical Leave
Regulations
Leave Time
Prohibited Discriminatory Practices
National Defense Authorization Act
Public Records Generally
Employment Records
for FY 2008, Public 21 Law [110-
181]

Cross References: Common Law Affidavit
Affidavit of Domestic Partnership

Policy History:

Adopted on: 6.10.2014

Revised on: 3.14.2023