

FAMILY AND MEDICAL LEAVE

Generally

The Maggie L. Walker Governor's School Regional School Board provides eligible employees with leave for qualifying situations consistent with the Family and Medical Leave Act (FMLA) of 1993. The purpose of this policy is to provide division employees with an understanding of their rights and obligations under the FMLA.

Eligibility for Leave under FMLA

An employee is eligible for FMLA leave if the employee:

- has been employed by the school for at least 12 months; and
- has worked for the school for at least 1,250 hours during the 12 months immediately preceding the start of the leave.

Qualifying Family and Medical Reasons

Any eligible employee is entitled to a combined total of twelve (12) workweeks of family and medical leave during the applicable 12-month period for one or more of the following qualifying situations:

- birth of a child and care of that newborn child within one year of birth;
- placement of an adopted or foster child with employee within one year of placement;
- to care for an employee spouse, child, or parent with a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of the employee's job; **and**
- a qualifying exigency arising out of a family member's military service as defined by 29 U.S.C. § 2612(a)(1)(E).

Any eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of leave in a single 12-month period to care for the servicemember.

To the extent that an employee is entitled to compensated leave under other policies, such paid leave will be substituted for unpaid FMLA leave. Otherwise, family and medical leave is unpaid.

Intermittent or Reduced Schedule Leave for Instructional Employees

For purposes of the FMLA, instructional employees have special rules. Instructional employees are those whose main job is to teach and instruct students.

When permitted by the FMLA, intermittent and reduced schedule leave may be used until the aggregate amount of such leave equals 12 weeks (or 26 weeks if the leave is taken to care of a covered servicemember) in the employee's applicable 12-month period. However, when the employee requests intermittent or reduced schedule leave that is foreseeable based on planned

medical treatment and would result in absences exceeding 20 percent of the working days during the leave period, the school division may temporarily transfer the employee to an available alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced schedule leave.

Notices and Application

An employee will provide advance notice of the need for leave when practicable, as determined by the Executive Director or designee.

An employee must provide sufficient notice to explain the reasons for the requested leave to allow the school to determine whether the leave is FMLA-qualifying. If the employee fails to explain the reasons, leave may be denied.

Once an employee requests FMLA leave, or the school has knowledge that an employee's leave may be for an FMLA-qualifying reason, the Executive Director or designee will provide the employee with all notices pertaining to the FMLA, as required by law.

Rules for Spouses Employed by the Maggie L. Walker Governor's School

When both spouses of a qualified marriage are employed by the Maggie L. Walker Governor's School and both are eligible for FMLA leave, they are limited to a combined 12 workweeks of leave in a 12-month period when the leave is taken for the birth, foster placement, or adoption of a child or to care for a parent with a serious health condition.

Spouses who are both employed by the school and eligible for FMLA, will be granted family and medical leave for a combined total of 26 workweeks in a single 12-month period to care for a covered servicemember.

Benefits During Family and Medical Leave

Employees on family and medical leave will maintain their group health insurance coverage on the same terms and conditions as coverage would have been provided if the employee had been working during the period of leave.

If the employee fails to return to work when the period of leave to which the employee is entitled expires for any reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave, or other circumstances beyond the employee's control, the school division may recover the premiums paid for maintaining the employee's coverage during the period of unpaid leave in accordance with federal and state laws.

Return to Work

When an employee returns from FLMA leave, they must be restored to the same or equivalent position at the end of the family and medical leave unless the school shows that the employee would not otherwise have been employed at the time reinstatement is requested.

If an instructional employee is required to continue leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work will be counted against the family and medical leave entitlement. Group health insurance coverage will be maintained during this period.

Outside Employment

The Maggie L. Walker Governor's School non-school employment policy applies to employees on FMLA leave in the same manner as it applies to employees on other forms of leave, as permitted by law.

Posting and General Notice

The school will post and distribute notices of employee rights under the FMLA, as required by law.

Other

The policy is intended to be interpreted and applied in a manner consistent with applicable law, including the FMLA, and any term used in this policy has the same meaning as defined in the FMLA and its implementing regulations, unless otherwise expressly stated.

Adopted: January 16, 2014

Amended: June 16, 2016

Amended: April 15, 2021

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Amended: September 17, 2026

Legal Refs.: 10 U.S.C. § 101 et seq. (Armed Forces General Military Law), 29 U.S.C. § 2601 et seq. (Family and Medical Leave Act),

29 C.F.R. 541.303, 29 C.F.R. Part 825 (Family and Medical Leave Act)

Cross Refs.:	Pol. 5065.	Staff Leaves and Absences
	Pol. 5065-R10.	Leave of Absence without Pay
	Pol. 5101	Nonschool Employment by Staff Members