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# Gold Mountain Community Services District

## POLICY HANDBOOK

**POLICY TITLE:** Family and Medical Leave

**POLICY NUMBER:** 3425

3425.1 The purpose of this policy is to clarify how Gold Mountain CSD will implement the Family and Medical Leave Act of 1993 (FMLA).

3425.2 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by Gold Mountain CSD for at least 12 months within a 5-year period, which need not be consecutive; and (2) worked for Gold Mountain CSD at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3425.3 Leave Benefit.

- a) Eligible employees will be provided with up to 12 weeks of unpaid leave in a 12-month period to care for a newborn, adopted, or foster child or for a child, parent, or spouse with a serious health condition. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails
  - 1) Inpatient care in a hospital, hospice, or residential medical care facility; or,
  - 2) Continuing treatment by a health care provider.
- b) The employee may use applicable accrued paid leave permitted by the District, including vacation leave and sick leave for the first part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the General Manager's prior approval. If a husband and wife are both employed by Gold Mountain CSD, the total number of work weeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- c) Employees on leave who were previously covered by Gold Mountain CSD's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- d) At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. Gold Mountain CSD may also require the employee to obtain medical certification that they are able to resume work.

#### 3425.4 Employee Obligations

- a) If the event necessitating the leave is foreseeable, the employee must provide the General Manager with at least 30 days' prior written notice. However, if 30 days advance notice for foreseeable leave is not practical; the employee must provide the General Manager with as much notice as practicable.
- b) Employees seeking leave on account of pregnancy disability or serious health condition must provide the General Manager with medical certification regarding their condition. "A healthcare provider certification may also be required for leave to care for a serious health condition for a child, parent or spouse and before the leave is granted. The General Manager may require employees to obtain, at Gold Mountain CSD's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider."

3425.5 For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the General Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions and benefits, which accommodates recurring periods of leave.

#### 3425.6 Employee Military Families:

For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent or next of kin may also take up to 26 weeks FMLA leave in a single 12-month period to care for the service member with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees may choose, or the General Manager may require, use of accrued aid leave when taking FMLA leave.