

Missoula County Public Schools

PERSONNEL

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Family Medical Leave

If applicable, Family Medical Leave shall be granted in accordance with a collective bargaining agreement or other applicable agreement, provided said agreement meets the minimum requirements of the Family Medical Leave Act.

In accordance with the provisions of the Family Medical Leave Act of 1993, a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) the birth of a child; 2) the placement of a child for adoption or foster care; 3) because of a serious health condition that makes the employee unable to perform the functions of the job; ~~or~~ 4) to care for the employee's spouse, child or parent with a serious health condition; or 5) because of a qualifying exigency (as the Secretary of Defense shall, by regulation, determine) arising out of the fact that the spouse, 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.

Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, 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.

An employee is eligible to take 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 when the leave is requested and if 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, or as otherwise provided by an applicable collective bargaining agreement or other agreement.

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

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is twelve (12) months forward from the date of a particular employee's first FMLA leave.

At the discretion of the Superintendent, medical certification may be required to determine FMLA initial or continued eligibility as well as fitness for duty.

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Legal Reference: 29 USC 2601, et seq. Family and Medical Leave Act
 29 USC 201, et seq Fair Labor Standards Act
 § 2-6-101, MCA Public Records Generally
 24.9.805, ARM Employment Records

Policy History:

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