

Title FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")

Policy 3430.01

General Provisions

Professional staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time professional staff members are initially presumed to meet the 1,250 hour requirement if they were employed by the Corporation in this capacity for the preceding twelve (12) months, but this presumption is rebuttal if the employee has not actually worked the minimum 1,250 hours of service. Whether a staff member has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (the "FLSA") for determining compensable hours of work. The determining factor is the number of hours an employee has worked for the employer within the meaning of the FLSA. Typically, teachers working nine months of the year will meet the 1,250 hour requirement if they actually worked approximately 35 hours a week. Months and hours that reservists or National Guard members would have worked if they had not been called up for military service count towards the staff member's eligibility for FMLA leave/Service Member Family Leave. Employment service time may be aggregated when the break in employment service is less than seven (7) years, is for fulfillment of military obligations, or if the employee is subject to recall under a written agreement (NOTE: this includes a collective bargaining agreement). All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.