

Reasons for Taking Leave: FMLA

1. Under the Family and Medical Leave Act (FMLA) of 1993, up to 12 weeks of leave must be granted for any of the following reasons:
 - To care for the employee's child after birth, or placement for adoption or foster care;
 - To care for the employee's spouse, child, or parent who has a serious health condition; or
 - To care for a serious health condition that makes the employee unable to perform his or her job.

Eligibility

2. An employee is eligible if he or she has worked for the District for at least 12 months and for 1,250 hours during the previous 12 months. [See DECA(LEGAL)]

Special "hours of service" requirements apply to airline flight crew employees.

Process

3. The employee may be required to provide advance leave notice and medical certification. Leave may be denied if requirements are not met.

Notice

- a. The employee ordinarily must provide 30-day advance notice for an expected leave of absence. FMLA forms may be obtained from the appropriate human resources generalist, Human Resources, and must be returned no more than 15 calendar days from the first day of absence.

Certification

- b. The Houston Independent School District (HISD) may require medical certification for the employee to support a request for leave because of a serious health condition. It is the employee's responsibility to ensure the medical documentation is complete and received by the appropriate HR generalist no later than the 15th calendar day from the first day of absence. HISD may require a second or third opinion at the District's expense.

Return to Work

- c. The employee must provide the appropriate human resources generalist with a medical release certification statement to return to work. A return to work release must include any restrictions or limitations to performing the job.

Job Benefits and Protection

4. All employee benefits, health coverage, and job protection must remain in effect during an approved FMLA leave.

Health Coverage

- a. For the duration of the FMLA leave, the employer must maintain the employee's health coverage under any

	<p>group health plan. The employee is responsible for paying his or her portion of the premiums.</p>
Position	b. Upon return from the FMLA leave, an employee must be restored to his or her original or equivalent position with equivalent pay, benefits, and other employment terms.
Other Benefits	c. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave.
Concurrent Use of Leave	d. The District will require the use of all applicable state and local leave, personal leave, and vacation time, if available, the order to be determined by Board policy, followed by temporary disability leave, when applicable, concurrently with family and medical leave. An employee's family and medical leave entitlement will run concurrently with a workers' compensation absence if the injury is classified as a serious health condition.
Unlawful Acts by Employers	5. Under FMLA regulations, employers may not: <ul style="list-style-type: none">• Interfere with, restrain, or deny the exercise of any right provided under FMLA; or• Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
Consultation	6. This regulation has been through consultation (Administrative: August 8, 2017; Instructional: October 5, 2017; and Noninstructional: August 8, 2017).
Maintenance Responsibility	7. The executive general manager, human resources, is responsible for maintenance of this regulation.
Effective Date	8. This regulation will be effective as of the adoption date, October 17, 2017.