



## **GBGF - COMPLIANCE WITH THE FAMILY AND MEDICAL LEAVE ACT**

(Federally-Mandated Family Leave)

The provisions of this policy and its accompanying regulations shall apply to all leaves of absence covered under the Family and Medical Leave Act of 1993 (“FMLA”).

### Eligibility for Leave

An employee’s entitlement to leave for reasons (1) or (2) in the immediately preceding paragraph expires at the end of the 12-month period beginning on the date of the child’s birth or placement. Spouses who are both employed by the district shall each be entitled to 12 workweeks of leave during any 12-month period for reasons (1), (2), (3) and/or (4) specified in the immediately preceding paragraph.

In the case of foreseeable intermittent or reduced FMLA leave because of a serious

coverage existing before the FMLA leave. The employee's failure to make such premium payments will result in a corresponding lapse in coverage.

A qualifying event for COBRA continuation coverage occurs in connection with FMLA leave when an employee does not return from such leave, when an employee unequivocally states that he or she will not return from such leave, or when an employee fails to make any premium payments otherwise required during the period of such leave.

The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an FMLA leave.

#### Reinstatement After FMLA Leave

Except as otherwise provided in this section, upon return from FMLA leave employees will be restored to the position they held when the leave began or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment in accordance with applicable district policies and the employee agreement. If the employee in question is a salaried employee and is among the highest paid 10 percent of district employees, and if keeping the same or similar position open for the employee would result in substantial economic injury to the operations of the district, the employee may be denied reinstatement to the same or similar position provided the district notifies the employee of its intent to deny such reinstatement at the time it determines substantial economic injury would occur (and, if the FMLA leave has already begun, the employee elects not to promptly return to work in response to the not

Notwithstanding any other provision of this policy or its accompanying regulations, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the period of FMLA leave.

Adopted: November 29, 2004

LEGAL REF:

29 U.S.C. 2601 et seq. (Family and Medical Leave Act)

29 C.F.R. Part 825 (Regulations)