Family Medical Leave

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Amity School District 4J

Code: GCBDA/GDBDA

Adopted: 3/14/94

Revised/Readopted: 9/14/94, 5/08/96, 09/09/09, 8/18/10, 08/16/17

When applicable, the district will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009 and other applicable provisions of Board policies and negotiated agreements regarding family medical leave.

FMLA applies to districts with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA applies to districts that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, he/she must have been employed by the district for at least 12 months and have worked at least 1250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, he/she must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

Federal and state leave entitlements generally run concurrently.

The superintendent will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

- ORS 332.507
- ORS 342.545
- ORS 659A.090
- ORS 659A.093
- ORS 659A.096
- ORS 659A.099
- ORS 659A.150 - 659A.186
- OAR 839-009-0200 to -0320 Houss
- HB 2744 (2009)
- Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2006); 28 CFR Part 35 (2006).
- Americans with Disabilities Act Amendments Act of 2008.
- Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006);
- Family and Medical Leave Act of 1993, 29 U.S.C. Sections 2601-2654; 29 CFR Part 825 (2008).
- National Defense Authorization Act of 2008, Public Law 110-181, Section 585(a).
- National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, Section 565.
- Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).