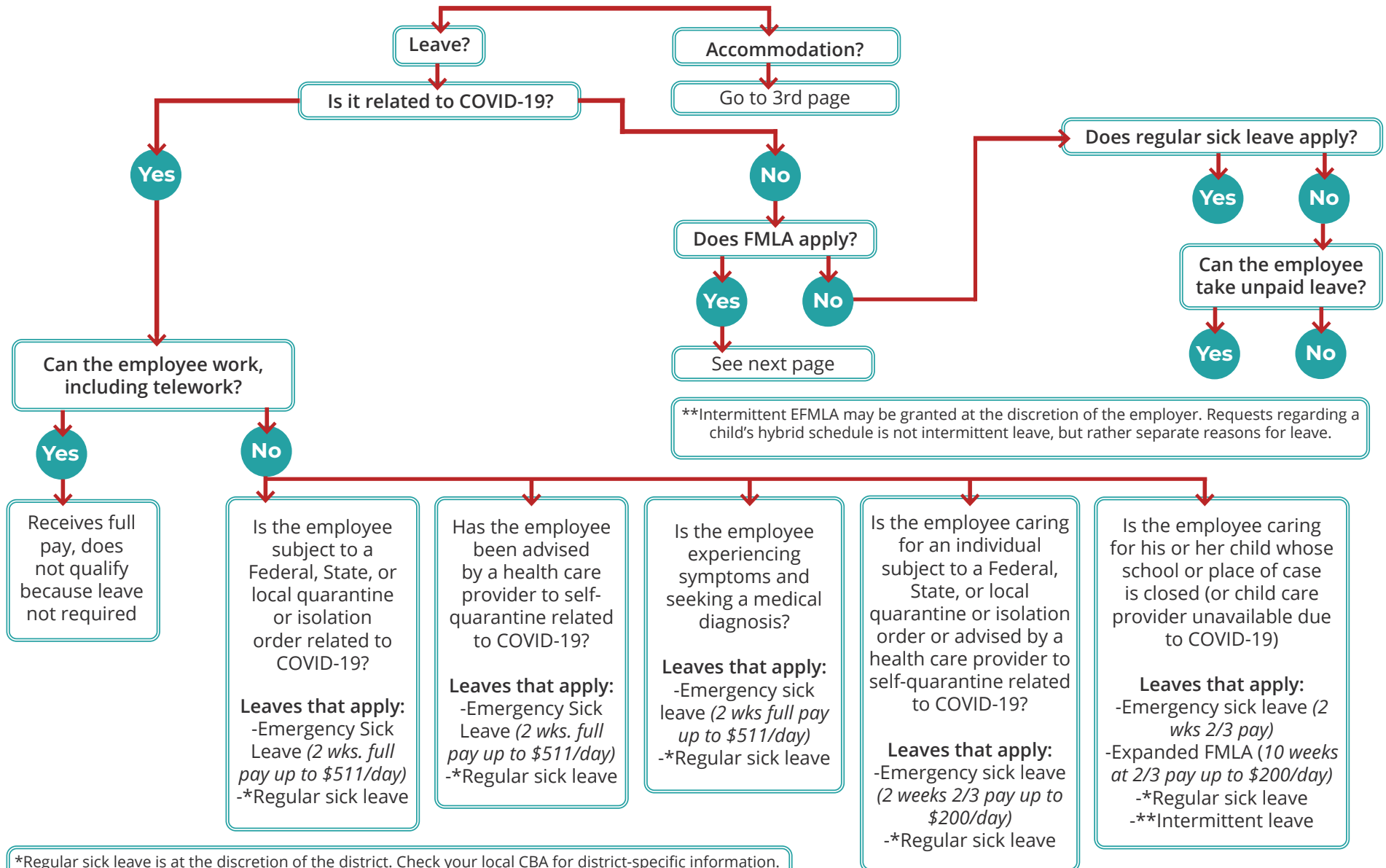


# Employment Leave Decision Tree

The FFCRA applies to leave taken from April 1, 2020 through December 31, 2020.

## Is The Employee Requesting . . .



# Family Medical Leave Act (FMLA) Decision Tree

## Is the employee eligible for FMLA leave?

- 1) Has the employee worked for the District for 12 months AND worked 1250 hours in the prior year? AND
- 2) Does the employee work within 75 miles of the 50 employees of the District?

Yes

No

Not eligible, consider other possible leaves

## Does the employee's requested leave involve:

- 1) The birth of a child, or care of a newborn within one year of birth? OR
- 2) Placement of a child for adoption or foster care within one year of placement? OR
- 3) Care for the employee's spouse, child, or parent with a serious health condition? OR
- 4) The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her job?
- 5) Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered activity duty (or notified of impending call or order)?

Yes

No

Has employee taken FLMA leave during the District's last 12-month period?

Not eligible, consider other possible leaves

Yes

No

Subtract amount of FLMA leave taken in last 12 months from 12-week allotment to determine remaining eligibility

Employee is eligible for up to 12 weeks of absence under FMLA either all at once or intermittently.

## Notes about FMLA and School Districts:

- If an instructional employee takes leave at the end of the school year and continues the next semester, this is consecutive leave even though there is a break in the school year.
- If an instructional employee takes leave near the end of an academic term, how the District addresses the leave may depend on how close the leave will fall to the end of the term:
  - **More than 5 weeks prior to the end of term:** The employer may require the employee to continue taking leaving until the end of the term if: 1) the leave is for at least 3 weeks; and 2) the employee's return would occur during the 3-week period before the end of the term.
  - **Less than 5 weeks prior to the end of term:** The employee may be required to continue taking leave until the end of the term if: 1) the leave is more than 2 weeks; and the employee's return would occur during the 2-week period before the end of the term.
  - **Less than 3 weeks prior to the end of the term:** If the employee begins leave with less than 3 weeks of the end of the academic term and the leave is for more than 5 working days, a district may require the employee to continue to take leave until the end of the term.
- **Intermittent Leaves:** If an instructional employee will be on leave for more than 20% of the total number of days over the period of leave (i.e., leave for 2 days/ week in typical 5 day work week), the District may require the employee to choose either to: "take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring period of leave than does the employee's regular position."

# Accommodation Decision Tree

