

# LODI UNIFIED SCHOOL DISTRICT

Policy 4161.8

4261.8

4361.8

## Personnel

### Family Care and Medical Leave

The Board of Education shall grant family care and medical leaves to eligible employees as required by the California Family Rights Act (CFRA) and the federal Family Medical Leave Act (FMLA):

- to care for the employee's newborn child;
- to care for a child placed with the employee for adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition; or
- for the employee's own serious health condition which renders the employee unable to perform the essential functions of the employee's position; however, this does not include leave taken for disability on account of pregnancy, childbirth or related medical conditions.

Other leaves granted by the Board of Education pursuant to law, collective bargaining agreement, District policy, or in any other manner, which duplicate a leave mandated by the CFRA and FMLA, shall satisfy the District's obligations under the CFRA and FMLA.

The Superintendent is authorized to prepare regulations and procedures which will inform employees of their rights under these laws and establish a process by which employees may apply for such leaves.

At least the first time in each six-month period that an employee requests family care and medical leave, the Superintendent or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include:

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement.
2. Requirements for the employee to furnish medical certification of a serious health condition.
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the district requires this substitution.

4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status.
6. The employee's right to restoration to the same or an equivalent job.
7. The employee's potential liability for health benefits should the employee not return to service.
8. The District's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work.

The Superintendent or designee shall maintain records pertaining to individual employee's use of family care and medical leave.

Legal References:

Government Code

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition;  
unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

Code Of Regulations, Title 2

7291.2-7291.16 Sex discrimination: pregnancy and related  
medical conditions

7297.0-7297.11 Family care leave

United States Code, Title 29

2601-2654 Family and Medical Leave Act of 1993

Code of Federal Regulations, Title 29

825.100-825.800 Family and Medical Leave Act of 1993

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