

All Personnel

BP 4161.8
4261.8
4361.8

FAMILY CARE AND MEDICAL LEAVE

The Board of Trustees shall grant family care and medical leave to eligible employees in accordance with current state and federal law. Full-time and part-time employees, who have been employed for at least 12 months, not required to be concurrent, and who have provided a minimum of 1,250 hours of service in the 12 months preceding the request for leave, are eligible for leave under the California Family Rights Act of 1993 (Government Code §12945) and the Federal Family and Medical Leave Act of 1993 (FMLA). The unpaid leave is for a maximum of 12 workweeks during a single 12-month period, except for care of a military service member, where the maximum unpaid leave is 26 work weeks in a single 12-month period. Available unpaid family care and medical leaves may run concurrently with each other and also with other employee accrued paid leaves.

Employees taking this leave shall be reinstated in the same or an equivalent position upon returning from leave, except as allowed by law or collective bargaining agreement.

An employee who takes medical leave for his or her own serious health condition shall present certification from his or her health care provider that he or she is able to return to work. If any work restrictions are placed by the health care provider, the District and the employee will engage in the interactive process as required by state and federal law to determine if reasonable accommodations are available to permit the employee to perform the essential functions of his or her job.

Leave is permitted for the following reasons as outlined in administrative regulations or collective bargaining agreement.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.2 Family care leave; definitions; conditions

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7297.0-7297.11 Family Care Leave

UNITED STATES CODE, TITLE 29

2601, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825 Family and Medical Leave Act of 1993

Policy

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revised: July 27, 2011

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California