
I. PURPOSE

The purpose of this policy is to provide for family and medical leave to Athlos Academy employees in compliance with federal and state law.

II. DEFINITIONS

- A. The Family and Medical Leave Act (FMLA): A federal act in which an eligible employee is allowed an extended leave from work for family and medical reasons each calendar year.

III. POLICY

- A. In accordance with the FMLA, the reasons for permitting an extended unpaid leave, up to 12 work weeks, are limited to the following:

1. Birth of a child;
2. Adoption of a child;
3. Placement of a foster child;
4. A serious health condition of the employee;
5. Care of a spouse, child, or parent with a serious medical condition; and/or
6. A military qualifying exigency arising as a result of a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.

- a. Military Qualifying Exigency can be used by an employee whose spouse, child or parent is on active military duty, or has been notified of an impending call to active military duty to deal with any “qualifying exigency” arising from the call to active military duty.

- B. Military Caregiver Leave (along with the criteria for the FMLA):

1. Athlos Academy will grant up to 26 weeks of unpaid military caregiver leave to care for a covered service member (a spouse, child, parent/guardian) with a serious injury or illness during a 12-month period to eligible employees.

- C. Minnesota Parenting Leave Law:

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1. An employee who does not qualify for parenting leave under the FMLA may qualify for a 12-week unpaid leave which is available to a biological or adoptive parent in conjunction with the birth or adoption of a child, or to a female employee for pregnancy-related health conditions.
 2. This leave is separate from the FMLA leave but may be reduced by any period of paid parental, disability, personal, medical, or sick leave, or accrued vacation provided by Athlos Academy so that the total leave does not exceed 12 weeks, unless agreed by the Lead School Administrator, in conjunction with Human Resources, or leave taken for the same purpose under the FMLA.
 3. For more information regarding the provisions of the law, reference Minn. Stat. §§ 181.940-181.944.
- D. To be eligible for family and medical leave, a full-time employee shall:
1. Be employed by the state for at least one year; and
 2. Be employed by the state for a minimum of 1250 hours worked, as determined under the FMLA, during the 12 month period immediately preceding the commencement of leave.
- E. Part-time employees may be eligible for family and medical leave based on the hours they work.
- F. To request FMLA leave, the employee or an appropriate spokesperson, shall apply in writing for the initial leave and provide medical certification to support the need for the leave:
1. Thirty days in advance for foreseeable needs; or
 2. As soon as practicable in emergencies.
- G. Written notice to employees shall include the following information:
1. That the leave will be counted against the employee's annual FMLA entitlement;
 2. Any requirements for the employee to furnish medical certification of a serious health condition and the consequences for doing so;
 3. A statement explaining that the employee will be required to exhaust unused personal or sick leave before going into an unpaid leave status;
 4. Any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;
 5. Any requirement for the employee to present a medical release before being restored to employment;
 6. The employee's rights to restoration to the same or an equivalent job upon return from leave; and

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7. The employee's potential liability for payment of health insurance premiums paid by the school during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave.
- H. Athlos Academy may designate FMLA leave or Parenting leave after the fact only:
1. If the reason for leave was previously unknown, provided the reason for leave is made within two (2) business days after the employee's return to work; and
 2. The school has preliminarily designated the leave as FMLA pending medical certification.
- I. Job reinstatement:
1. If an employee fails to return to work after unpaid FMLA leave has ended, the school may recover, with certain exceptions, the health insurance premiums paid by the school on the employee's behalf.
 2. An employee is considered to have returned to work if he or she returns for at least thirty (30) calendar days.
 - a. An exception to this may be made if an employee's circumstances change unexpectedly beyond their control during the leave period which makes them unable to return to work at the end of twelve weeks.
 - b. Medical certification is required.
- J. The mandatory forms for application and certification of the FMLA are available in the Human Resources office and can also be found on the United States Department of Labor website, "Family and Medical Leave Act."

Legal References:

[Minn. Stat. §§ 181.940-181.944](#) (Parenting Leave)
[29 U.S.C. § 2601 et seq.](#) (FMLA)

Related Documents:

<http://www.dol.gov/whd/fmla/index.htm> (Requesting Leave Forms)