

**FAMILY AND MEDICAL LEAVE**

The Alexandria City School Board (Board) recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq. This policy describes the benefits available to eligible employees under the Act.

**Definitions**

**Covered active duty:** The term covered “active duty” means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

**Covered service member:** The term “covered service member” means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy

**Eligible employee:** To be eligible for leave under this policy the employee must have at least twelve (12) months of service with the Alexandria City Public Schools (ACPS) school division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C § 201 et seq., in the twelve (12) months preceding the commencement of leave. Full-time teachers are deemed to meet the 1250 hour test.

**Instructional employee:** Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. This term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

**Next of kin:** The term “next of kin” used with respect to an individual, means the nearest blood relative of that individual other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted

48 legal custody of the covered service member by court decree or statutory provisions,  
49 brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered  
50 service member has specifically designated in writing another blood relative as his or her  
51 nearest blood relative for purposes of military caregiver leave under the FMLA. When no  
52 such designation is made, and there are multiple family members with the same level of  
53 relationship to the covered service member, all such family members shall be considered  
54 the covered service member's next of kin and may take FMLA leave to provide care to the  
55 covered service member, either consecutively or simultaneously. When such designation  
56 has been made, the designated individual shall be deemed to be the covered service  
57 member's only next of kin.

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59 **Outpatient status:** The term "outpatient status," with respect to a covered service member,  
60 means the status of a member of the Armed Forces assigned to

- 61 ● a military medical treatment facility as an outpatient; or
- 62 ● a unit established for the purpose of providing command and control of members  
63 of the Armed Forces receiving medical care as outpatients.

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67 **Serious health condition:** A serious health condition is an illness, injury, impairment or  
68 condition that involves inpatient care or continuing treatment by a health care provider.

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70 **Serious injury or illness:** The term "serious injury or illness," in the case of

- 71 ● a member of the Armed Forces, including a member of the National Guard or  
72 Reserves, means an injury or illness incurred by the member in line of duty on  
73 active duty in the Armed Forces (or existed before the beginning of the member's  
74 active duty and was aggravated by service in line of duty on active duty in the  
75 Armed Forces) and that may render the member medically unfit to perform the  
76 duties of the member's office, grade, rank, or rating; and
- 77 ● a veteran who was a member of the Armed Forces, including a member of the  
78 National Guard or Reserves, at any time during a period described in 29 U.S.C. §  
79 2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or  
80 illness that was incurred by the member in line of duty on active duty in the Armed  
81 Forces (or existed before the beginning of the member's active duty and was  
82 aggravated by service in line of duty on active duty in the Armed Forces) and that  
83 manifested itself before or after the member became a veteran.

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87 **Year:** A rolling 12-month period measured backward from the date an employee uses an  
88 FMLA leave.

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90 **Notices to Employees**

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92 **Posting and General Notice**

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94 ACPS posts in conspicuous places, on the premises of the employer where notices to employees  
ALEXANDRIA CITY PUBLIC SCHOOLS

95 and applicants for employment are customarily posted, a notice explaining the FMLA’s provisions  
96 and providing information about the procedure for filing complaints with the Department of Labor.  
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98 A copy of the notice is also given to each employee upon hiring.  
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100 **Eligibility Notice**  
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102 When an employee requests FMLA leave, or the Division has knowledge that an employee’s leave  
103 may be for an FMLA-qualifying reason, the Division should notify the employee of the employee’s  
104 eligibility to take FMLA leave within five business days. The Eligibility Notice should state  
105 whether the employee is eligible for FMLA leave. If the employee is not eligible for FMLA leave,  
106 the Notice must state at least one reason why the employee is not eligible (such as, for example,  
107 the number of months the employee has worked for the Division.) This notification may be  
108 accomplished by providing the employee a copy of the Notice of Eligibility and Rights &  
109 Responsibilities (Family and Medical Leave Act Form WH-381), located online at  
110 <http://www.dol.gov/whd/forms/WH-381.pdf>.

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112 **Notice of Rights and Responsibilities**  
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114 The Division provides written notice detailing the specific expectations and obligations of the  
115 employee and explaining the consequences of the failure to meet those obligations each time the  
116 employee is given an Eligibility Notice. This Notice will include, as appropriate:  
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- 118 ● that the leave may be designated and counted against the employee’s annual FMLA leave  
119 entitlement and the 12-month period for FMLA entitlement;
- 120 ● any requirements for the employee to furnish certification of a serious health condition,  
121 serious injury or illness, or qualifying exigency arising out of active duty or call to active  
122 duty status, and the consequences of failing to provide certification;
- 123 ● that the Division will substitute paid leave for unpaid leave and any conditions related to  
124 the substitution and the employee’s right to take unpaid FMLA leave if the employee does  
125 not meet the conditions for paid leave;
- 126 ● any requirement for the employee to make any premium payments to maintain health  
127 benefits and the arrangements for making such payments, and the possible consequences  
128 of failure to make such payments on a timely basis;
- 129 ● the employee’s rights to maintenance of benefits during the FMLA leave and restoration  
130 to the same or an equivalent job upon return from FMLA leave; and
- 131 ● the employee’s potential liability for payment of health insurance premiums paid by the  
132 employer during the employee’s unpaid FMLA leave if the employee fails to return to work  
133 after FMLA leave.

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135 The Notice of Rights and Responsibilities shall be accompanied by any required certification form.  
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137 The Notice of Rights and Responsibilities will also include notice that employees on FMLA leave  
138 must report their status and intention regarding returning to work to the Division at least every four  
139 weeks.  
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141 If the information provided by the Notice of Rights and Responsibilities changes, the Division  
142 will, within five business days of receipt of the employee's first notice of need for leave subsequent  
143 to any change, provide written notice referencing the prior notice and setting forth any of the  
144 information in the Notice of Rights and Responsibilities that has changed.

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146 **Designation Notice**

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148 When the Division has enough information to determine whether the leave is being taken for  
149 FMLA-qualifying reasons, the Division should give the employee written notice whether the leave  
150 will be designated and will be counted as FMLA leave within five business days. If the Division  
151 determines that the leave will not be designated as FMLA-qualifying, the Division must inform  
152 the employee of that determination. The Division will also notify the employee that paid leave  
153 must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan  
154 be counted as FMLA leave at the time of designating the FMLA leave.

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156 If the Division will require the employee to present a fitness-for-duty certification to be restored  
157 to employment after taking leave for a continuous period of time, the Division will provide notice  
158 of the requirement with the Designation Notice. If the Division will require that the fitness-for-  
159 duty certification address the employee's ability to perform the essential functions of the  
160 employee's position, the Division must so indicate in the Designation Notice and must include a  
161 list of the essential functions of the employee's position.

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163 If the Division has reasonable safety concerns regarding the ability of an employee who is  
164 returning to work after intermittent or reduced leave schedule to perform his or her duties based  
165 on the serious health condition for which the employee took leave, it may require the employee to  
166 submit a fitness for duty certification unless one has been submitted within the past 30 days.

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168 If the leave is not designated as FMLA leave because it does not meet the requirements of the  
169 FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the  
170 form of a simple written statement.

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172 If the information provided by the Division to the employee in the Designation Notice changes,  
173 the Division will provide, within five business days of receipt of the employee's first notice of  
174 need for leave subsequent to any change, written notice of the change.

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176 The Division will notify the employee of the amount of leave counted against the employee's  
177 FMLA leave entitlement. If the amount of leave needed is known at the time the employer  
178 designates the leave as FMLA-qualifying, the Division must notify the employee of the number of  
179 hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the  
180 Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted  
181 against the employee's FMLA leave entitlement, then the Division must provide notice of the  
182 amount of leave counted against the employee's FMLA leave entitlement upon request by the  
183 employee but no more often than once in a 30-day period and only if leave was taken in that period.

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185 The Division's decision to designate leave as FMLA-qualifying will be based only on information  
186 received from the employee or the employee's spokesperson. If the Division does not have  
187 sufficient information about the reason for an employee's use of leave, the Division will inquire

188 further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-  
189 qualifying. Once the Division has knowledge that the leave is being taken for FMLA-qualifying  
190 reasons, the Division will provide the employee the notice described in this subsection.

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192 An employee giving notice of the need for FMLA leave must explain the reasons for the needed  
193 leave so as to allow the Division to determine whether the leave is FMLA-qualifying. If the  
194 employee fails to explain the reasons, leave may be denied.

### 195 196 **Leave Period**

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198 Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per year for  
199 the following situations:

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201 ● the birth and care of a newborn child;
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203 ● the adoption or foster placement of a child;
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205 ● to care for an employee's spouse, parent, or child with a serious health condition;
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207 ● because of a serious health condition that makes the employee unable to perform the  
208 essential functions of the employee's job; and
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210 ● because of any qualifying exigency as defined in Department of Labor regulations, arising  
211 out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered  
212 active duty (or has been notified of an impending call or order to covered active duty) in  
213 the Armed Forces.

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215 However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered  
216 servicemember is entitled to a total of 26 workweeks of leave per year to care for the  
217 servicemember. Leave under this paragraph is available only during a single year. During that year  
218 the employee is entitled to a combined total of 26 workweeks of leave under this policy.

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220 To the extent that an employee is entitled to compensated leave under other ACPS policies, such  
221 paid leave shall be substituted for unpaid FMLA leave. Otherwise, family and medical leave is  
222 unpaid. When paid leave is available, the employee must satisfy any procedural requirements of  
223 ACPS's paid leave policy.

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225 Employees on FMLA leave must report their status and intention regarding returning to work to  
226 the school division every four weeks.

### 227 228 **Types of Leave**

#### 229 230 **Leave for the Birth, Adoption or Foster Placement of a Child**

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232 The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at  
233 the end of the twelve month period beginning on the date of the birth, adoption or foster placement.  
234 Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or

235 on a reduced leave schedule if the Superintendent or designee agrees to such an arrangement.  
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237 If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based  
238 on an expected birth or placement, the employee shall provide the employer with not less than 30  
239 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the  
240 date of the birth or placement requires leave to begin in less than 30 days, the employee shall  
241 provide such notice as is practicable. The employee's notice should be sufficient to make the  
242 Division aware that the employee needs FMLA-qualifying leave and of the anticipated timing and  
243 duration of the leave.

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#### 245 **Leave For Serious Health Condition of Employee**

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247 Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced  
248 leave schedule except as provided below.

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250 If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

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- 252 ● make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations  
253 of the Division; and

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- 255 ● provide the Division with at least 30 days' notice, before the date the leave is to begin, of  
256 the employee's intention to take leave. If the date of the treatment requires leave to begin  
257 in less than 30 days, the employee shall provide such notice as is practicable..

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259 The employee's notice should be sufficient to make the Division aware that the employee needs  
260 FMLA-qualifying leave and of the anticipated timing and duration of the leave.

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262 The Board may require that a request for leave because of the employee's own serious health  
263 condition be supported by a certification issued by a health care provider of the employee. The  
264 Division should request that the employee furnish certification when the employee gives notice of  
265 the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within  
266 five business days after the leave begins. The Division may request certification at a later date if  
267 it later has reason to question the appropriateness of the leave or its duration. The employee must  
268 provide a complete and sufficient certification within 15 calendar days after the Division's request.  
269 When the Division requests certification, it will advise the employee of the anticipated  
270 consequences of the employee's failure to provide adequate certification.

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272 Certification will be sufficient if it states

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- 274 ● the name, address, telephone number and fax number of the health care provider and the  
275 type of medical practice/specialization; the date on which the serious health condition  
276 commenced;

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- 278 ● the approximate date on which the serious health condition commenced and its probable  
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- a statement or description of the appropriate medical facts regarding the employee’s health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- information sufficient to establish that the employee is unable to perform the essential functions of the employee’s position, the nature of any other work restrictions, and the likely duration of such inability.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of the employee’s serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates on which such treatment is expected to be given and the duration of such treatment and any period of recovery.

If an employee requests leave on an intermittent or reduced leave schedule because of the employee’s own serious health condition that may result in unforeseeable episodes of incapacity, the certification shall include information sufficient to establish the medical necessity for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency and duration of the episodes of incapacity.

If the employee submits a complete and sufficient certification signed by the health care provider, the Division may not request additional information from the health care provider. However, the Division may contact the health care provider for purposes of clarification and authentication of the medical certification. To make such contact, the Division must use a health care provider, a human resources professional, a leave administrator, or a management official. The employee’s direct supervisor may not contact the employee’s health care provider.

If the school division doubts the validity of a certification, it may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the school division concerning any information certified. The health care provider designated or approved by the school division may not be employed by the school division on a regular basis.

If the second opinion differs from the original certification, the school division may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the school division and the employee concerning the certified information. The opinion of the third health care provider will be binding on both the school division and the employee.

**Leave For Serious Health Condition of a Child, Spouse or Parent of Employee**

Family and medical leave is provided when the employee is needed to care for the employee’s spouse, child, or parent with a serious health condition, as defined above. Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced leave schedule except as provided below.

If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

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- make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Division; and
- provide the Division with at least 30 days' notice before the date the leave is to begin, of the employee's intention to take leave. If the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.

The employee's notice should be sufficient to make the Division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The Board may require that a request for leave to care for an employee's spouse, parent, or child with a serious health condition be supported by a certification issued by a health care provider of the family member in need of care. The Division should ask the employee to furnish certification when the employee gives notice of the need for leave or within five business days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins. The Division may request certification at some later date if it has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification within 15 calendar days after the Division's request. When the Division requests certification, it will advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

Certification will be sufficient if it states:

- the name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;
- the approximate date on which the serious health condition commenced and its probable duration;
- a statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave; and
- information sufficient to establish that the family member is in need of care and an estimate of the frequency and duration of the leave required to care for the family member.

If an employee requests leave on an intermittent or reduced leave schedule for planned medical treatment of a family member's serious health condition, the certification shall include information sufficient to establish the medical necessity for such intermittent or reduced leave schedule and an estimate of the dates and the duration of such treatments and any periods of recovery.

If the employee requests leave on an intermittent reduced leave schedule in order to care for a family member with a serious health condition, the certification shall include a statement that the employee's intermittent leave or leave on a reduced leave schedule is medically necessary for the care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave



375 schedule.

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377 If the employee submits a complete and sufficient certification signed by the health care provider,  
378 the Division may not request additional information from the health care provider. However, the  
379 Division may contact the health care provider for purposes of clarification and authentication of  
380 the medical certification. To make such contact, the Division must use a health care provider, a  
381 human resources professional, a leave administrator, or a management official. The employee's  
382 direct supervisor may not contact the health care provider.

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384 If the school division doubts the validity of a certification, it may require, at its own expense, that  
385 the employee obtain the opinion of a second health care provider designated or approved by the  
386 school division concerning any information certified. The health care provider designated or  
387 approved by the school division may not be employed by the school division on a regular basis.

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389 If the second opinion differs from the original certification, the school division may require, at its  
390 own expense, that the employee obtain the opinion of a third health care provider designated or  
391 approved jointly by the school division and the employee concerning the certified information.  
392 The opinion of the third health care provider will be binding on both the school division and the  
393 employee.

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#### 395 **Leave to Care for a Covered Service member**

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397 If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or  
398 illness of a covered service member, the employee shall

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- 400 ● make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations  
401 of the Division; and
- 402 ● provide the Division with at least 30 days' notice, before the date the leave is to begin, of  
403 the employee's intention to take leave. If the date of the treatment requires leave to begin  
404 in less than 30 days, the employee shall provide such notice as is practicable.

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406 The employee's notice should be sufficient to make the Division aware that the employee needs  
407 FMLA-qualifying leave and the anticipated timing and duration of the leave.

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409 The Board may require that a request for leave to care for a covered servicemember with a serious  
410 injury or illness be supported by a certification issued by a health care provider of the covered  
411 serviceperson. The certification may be completed by any health care provider listed in 29 C.F.R.  
412 825.310(a). The employee shall provide, in a timely manner, a copy of such certification to the  
413 school division.

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415 Certification will be sufficient if it states

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- 417 ● the name, address, and appropriate contact information (telephone number, fax  
418 number, and/or email address) of the health care provider, the type of medical  
419 practice, the medical specialty, and whether the health care provider is one of the  
420 following: a United States Department of Defense (DOD) health care provider, a  
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- 422 United States Department of Veterans Affairs (VA) health care provider, a DOD  
423 TRICARE network authorized private health care provider, or a DOD non-network  
424 TRICARE authorized health care provider or a health care provider as defined in  
425 29 C.F.R. 825.125;
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  - 427 ● whether the covered servicemember’s injury or illness was incurred in the line of  
428 duty on active duty;
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  - 430 ● the approximate date on which the serious health condition or serious injury or  
431 illness commenced or was aggravated and its probable duration;
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  - 433 ● a statement or description of appropriate medical facts regarding the covered  
434 servicemember’s health condition for which FMLA leave is requested. The medical  
435 facts must be sufficient to support the need for leave; and
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  - 437 ● information sufficient to establish that the covered servicemember is in need of care  
438 and whether the covered servicemember will need care for a single continuous  
439 period of time, including any time for treatment and recovery, and an estimate as  
440 to the beginning and ending dates for this period of time.
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442 If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned  
443 medical treatment appointments for the covered servicemember, the certification must state that  
444 there is a medical necessity for the covered servicemember to have such periodic care and must  
445 contain an estimate of the treatment schedule of such appointments.

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447 If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a  
448 covered servicemember other than for planned medical treatment, the certification must contain a  
449 statement that there is a medical necessity for the covered servicemember to have such periodic  
450 care, and must contain an estimate of the frequency and duration of the periodic care.

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452 In addition to the information listed above, the Division may also request that the certification set  
453 forth the information on the Certification for Serious Injury or Illness of Covered Service member  
454 for Military Family Leave, Form WH-385.

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456 In lieu of Form WH-385, the Division accepts invitational travel orders (ITOs) or invitational  
457 travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember  
458 at the servicemember’s bedside. An ITO or ITA is sufficient certification for the duration of time  
459 specified in the ITO or ITA. During that time period, the employee may take leave to care for the  
460 covered servicemember in a continuous block of time or on an intermittent basis.

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462 The information on the certification must relate only to the serious injury or illness for which the  
463 current need for leave exists. The Division may seek authentication or clarification of the  
464 certification, ITO, or ITA but may not seek second or third opinions. The Division may require  
465 an employee to provide confirmation of the covered family relationship to the seriously injured or  
466 ill servicemember.

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468 The Division also accepts as sufficient certification of the servicemember's serious injury or illness  
469 documentation indicating the servicemember's enrollment in the Department of Veterans Affairs  
470 Program of Comprehensive Assistance for Family Caregivers.

471 **Leave Related to a Qualifying Exigency Arising from Covered Active Duty or a Call to**  
472 **Covered Active Duty**

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474 If the necessity for leave because of a qualifying exigency arising from the fact that a family  
475 member is on covered active duty or has been notified of an impending call to covered active duty  
476 is foreseeable, the employee shall give such notice to the school division as is reasonable and  
477 practicable. The employee's notice should be sufficient to make the Division aware that the  
478 employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

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480 The first time an employee requests leave because of a qualifying exigency arising out of the  
481 covered active duty or call to covered active duty status (or notification of an impending call or  
482 order to covered active duty) of a military member, the Division may require the employee to  
483 provide a copy of the military member's active duty orders or other documentation issued by the  
484 military which indicates that the military member is on covered active duty or call to covered  
485 active duty status and the dates of the military member's covered active duty service. A copy of  
486 new active duty orders or other documentation issued by the military shall be provided to the  
487 Division if the need for leave because of a qualifying exigency arises out of a different covered  
488 active duty or call to covered active duty status (or notification of an impending call or order to  
489 covered active duty) of the same or a different military member.

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491 A request for leave because of a qualifying exigency must be supported by

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- 493 ● a statement or description signed by the employee of appropriate facts regarding  
494 the qualifying exigency for which FMLA leave is requested. The facts must be  
495 sufficient to support the need for leave;
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  - 497 ● the approximate date on which the qualifying exigency commenced or will  
498 commence;
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  - 500 ● the beginning and ending dates of absence if the employee requests leave because  
501 of a qualifying exigency for a single, continuous period of time;
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  - 503 ● an estimate of the frequency and duration of the qualifying exigency if the  
504 employee requests leave because of a qualifying exigency on an intermittent or  
505 reduced schedule basis;
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  - 507 ● if the qualifying exigency involves meeting with a third party, appropriate contact  
508 information for the individual or entity with whom the employee is meeting and a  
509 brief description of the purpose of the meeting; and
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  - 511 ● if the qualifying exigency involves Rest and Recuperation leave, a copy of the  
512 military member's Rest and Recuperation orders, or other documentation issued by  
513 the military which indicates that the military member has been granted Rest and

514           Recuperation leave, and the dates of the military member's Rest and Recuperation  
515           leave.

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### 517 **Rules for Intermittent and Reduced Schedule Leave**

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519   When permitted by the FMLA, intermittent and reduced schedule leave may be used until the  
520   aggregate amount of such leave equals twelve weeks or twenty-six weeks if the leave is taken to  
521   care for a covered servicemember in the employee's rolling year. However, when the employee  
522   requests intermittent or reduced schedule leave that is foreseeable based on planned medical  
523   treatment the school division may temporarily transfer the employee to an available alternative  
524   position with equivalent pay and benefits that better accommodates the employee's intermittent or  
525   reduced schedule leave.

526

527

528   When an eligible employee employed principally in an instructional capacity requests leave to care  
529   for a family member with a serious health condition, leave because of the employee's own serious  
530   health condition, or leave to care for a covered servicemember and the leave is foreseeable based  
531   on planned medical treatment and the employee would be on leave for greater than 20 percent of  
532   the total number of working days in the period during which the leave would extend, the school  
533   division may require the employee to elect either

534

535       ● to take leave for periods of a particular duration, not to exceed the duration of the planned  
536       medical treatment; or

537

538       ● to transfer temporarily to an available alternative position offered by the school division  
539       for which the employee is qualified and that has equivalent pay and benefits and better  
540       accommodates recurring periods of leave than the employee's regular employment  
541       position.

542

543   The school division may require an employee to make such an election when the employee  
544   has

545

546       ● made a reasonable effort to schedule the treatment so as not to disrupt unduly the  
547       operations of the Division, subject to approval of the health care provider; and

548

549       ● has provided the Division with not less than 30 days' notice before the date the  
550       leave is to begin, of the employee's intention to take leave, except that if the date  
551       of the treatment requires leave to begin in less than 30 days, the employee shall  
552       provide such notice as is practicable.

553

### 554 **Rules for Married Couples Employed by Alexandria City Public Schools**

555

556   A married couple who are both eligible for family and medical leave and are employed by ACPS  
557   shall be granted family and medical leave only for a combined total of twelve weeks per year when  
558   the leave is taken for the birth, foster placement, or adoption of a child or to care for the child after  
559   birth, adoption or foster placement or to care for a parent, spouse, or child with a serious health  
560   condition.

561  
 562 A husband and wife who are both eligible for family and medical leave and are employed by ACPS  
 563 shall be granted family and medical leave only for a combined total of 26 work weeks per year if  
 564 the leave

- 565
- 566 ● is taken to care for a covered servicemember; or
  - 567
  - 568 ● is taken as a combination of leave to care for a covered servicemember and leave for the  
 569 birth, foster placement, or adoption of a child or to care for the child after birth, adoption,  
 570 or foster placement or to care for a parent with a serious health condition. However, if the  
 571 leave taken by the husband and wife includes leave for the birth, foster placement, or  
 572 adoption of a child or to care for the child after birth, adoption, or foster placement or to  
 573 care for a parent with a serious health condition, the leave for that reason shall be limited  
 574 to 12 workweeks per year.

575

### 576 **Benefits During Family and Medical Leave**

577

578 Employees on family and medical leave receive the group health insurance plan coverage on the  
 579 same conditions as coverage would have been provided if the employee had been working during  
 580 the period of leave. Other benefits are provided according to the ACPS policy for paid or unpaid  
 581 leave, whichever applies.

582

583 If the employee fails to return to work when the period of leave to which he or she is entitled  
 584 expires for any reason other than the continuation, recurrence, or onset of a serious health condition  
 585 that entitles the employee to leave, or other circumstances beyond the employee's control, the  
 586 school division may recover the premium it paid for maintaining the employee's coverage during  
 587 the period of unpaid leave in accordance with federal law.

588

### 589 **Return to Work**

590

591 An employee on family and medical leave shall provide the Division at least two work days' notice  
 592 of the intent to return to work. The employee shall be returned to the same or equivalent position  
 593 at the end of the family and medical leave unless the Division shows that the employee would not  
 594 otherwise have been employed at the time reinstatement is requested.

595

596 The following return to work provisions apply to instructional employees:

597

- 598 ● If an instructional employee begins family and medical leave more than five (5) weeks  
 599 before the end of an academic term, the employee may be required to continue taking leave  
 600 until the end of an academic term if the leave is at least three (3) weeks in duration and the  
 601 return to work would occur during the last three (3) weeks of the academic term.
- 602
- 603 ● If an instructional employee begins family and medical leave a) because of the birth,  
 604 adoption, or foster care placement of a son or daughter of the employee, b) to care for a  
 605 family member with a serious health condition, or c) to care for a covered servicemember  
 606 during the five (5) week period before the end of an academic term, the employee may be  
 607 required to continue taking leave until the end of the academic term if the leave is longer

608 than two (2) weeks in duration and the return to work would occur during the last two (2)  
609 weeks of an academic term.

- 610 ● If an instructional employee begins family and medical leave a) because of the birth,  
611 adoption, or foster care placement of a son or daughter of the employee, b) to care for a  
612 family member with a serious health condition, or c) to care for a covered servicemember  
613 during the three (3) week period before the end of an academic term, the employee may be  
614 required to continue taking leave until the end of an academic term if the leave is longer  
615 than five (5) working days in duration.  
616

617  
618 If an instructional employee is required to continue leave until the end of an academic term, only  
619 the period of leave until the employee is ready and able to return to work shall be counted against  
620 the twelve week family and medical leave entitlement. However, the Division must continue the  
621 group health insurance coverage under the same conditions as if the employee were working.  
622

623 **Outside Employment**

624  
625 An employee who is on family and medical leave may not engage in employment for any other  
626 employer or self-employment while on leave. Falsification of records and failure to correct records  
627 known to be false are violations of this policy and will result in discipline which may include  
628 termination from employment.  
629

630  
631 Adopted: January 7, 1999  
632 Amended: April 20, 2006  
633 Amended: May 5, 2016  
634

635  
636 Legal Refs.:

637  
638 29 U.S.C. §§ 207, 2601, et seq., 2611, 2612, 2613, 2614, 2618, 2619  
639  
640 29 CFR §§ 825.110, 825.115, 825.122. 825.124, 825.125, 825.200, 825.203,  
641 825.207, 825.300, 825.301, 825.302. 825.303, 825.305, 825.306, 825.307, 825.309,  
642 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, , 825.604 825.800.  
643

644 Family & Medical Leave Act (FMLA) Forms:

645  
646 Employee Rights and Responsibilities Under the Family and Medical Leave Act  
647 (WHD Publication 1420) (Revised April 2016)  
648

649 Certification of Health Care Provider for Employee’s Serious Health Condition  
650 (Family and Medical Leave Act) (Form WH-380-E) (Revised June 2020)  
651

652 Certification of Health Care Provider for Family Member’s Serious Health Condition  
653 (Family and Medical Leave Act) (Form WH-380-F) (Revised June 2020)  
654

655 Notice of Eligibility and Rights & Responsibilities Under the Family and Medical Leave  
656 Act (Form WH-381) (Revised June 2020)

657  
658 Designation Notice Under the Family and Medical Leave Act (Form WH-382) (Revised  
659 June 2020)

660  
661 Certification of Qualifying Exigency for Military Family Leave Under the Family and  
662 Medical Leave Act (Form WH-384) (Revised June 2020)

663  
664 Certification for Serious Injury or Illness of Covered Service member—for Military  
665 Family Leave Under the Family and Medical Leave Act) (Form WH-385) (Revised June  
666 2020)

667  
668 Certification for Serious Injury or Illness of a Veteran for Military Caregiver  
669 Leave Under the Family and Medical Leave Act) (Form WH-385-V) (Revised  
670 June 2020)

671  
672 Cross Refs.: GCBD Staff Leaves and Absences  
673 GCBEA Leave without Pay  
674 GCBEB Military Leave and Benefits  
675 GCQA Nonschool Employment by Staff Members

**FAMILY AND MEDICAL LEAVE**

**Commented [1]:** After revisions and unless otherwise noted, this is word for word the VSBA model policy.

The Alexandria City School Board (**Board**) recognizes its obligation to provide its eligible employees with unpaid leave pursuant to the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq. This policy describes the benefits available to eligible employees under the Act.

**Definitions**

**Commented [2]:** Definitions have been placed in alphabetical order but haven't been changed.

~~**Eligible employee:** To be eligible for leave under this policy the employee must have at least twelve (12) months of service with the Alexandria City Public Schools (ACPS) school division and have worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C § 201 et seq., in the twelve (12) months preceding the commencement of leave. Full-time teachers are deemed to meet the 1250-hour test.~~

~~**Instructional employee:** Employees whose principal function is to teach and instruct students in a class, a small group, or an individual setting such as teachers, athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. This term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, or auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.~~

~~**Serious health condition:** A serious health condition is an illness, injury, impairment or condition that involves inpatient care or continuing treatment by a health care provider.~~

~~**Year:** A rolling 12-month period measured backward from the date an employee uses an FMLA leave.~~

**Covered active duty:** The term covered “active duty” means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in 10 U.S.C. § 101(a)(13)(B).

**Covered service member:** The term “covered service member” means

- a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy

~~**Eligible employee:** To be eligible for leave under this policy the employee must have at~~



48 least twelve (12) months of service with the Alexandria City Public Schools (ACPS) school  
49 division and have worked at least 1250 hours according to the Fair Labor Standards Act,  
50 29 U.S.C § 201 et seq., in the twelve (12) months preceding the commencement of leave.  
51 Full-time teachers are deemed to meet the 1250 hour test.

52  
53 Instructional employee: Employees whose principal function is to teach and instruct  
54 students in a class, a small group, or an individual setting such as teachers, athletic coaches,  
55 driving instructors, and special education assistants such as signers for the hearing  
56 impaired. This term does not include teacher assistants or aides who do not have as their  
57 principal function actual teaching or instructing, or auxiliary personnel such as counselors,  
58 psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers,  
59 or other primarily non-instructional employees.

60  
61 **Next of kin:** The term “next of kin” used with respect to an individual, means the nearest  
62 blood relative of that individual other than the covered service member’s spouse, parent,  
63 son, or daughter, in the following order of priority: blood relatives who have been granted  
64 legal custody of the covered service member by court decree or statutory provisions,  
65 brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered  
66 service member has specifically designated in writing another blood relative as his or her  
67 nearest blood relative for purposes of military caregiver leave under the FMLA. When no  
68 such designation is made, and there are multiple family members with the same level of  
69 relationship to the covered service member, all such family members shall be considered  
70 the covered service member’s next of kin and may take FMLA leave to provide care to the  
71 covered service member, either consecutively or simultaneously. When such designation  
72 has been made, the designated individual shall be deemed to be the covered service  
73 member’s only next of kin.

74  
75 **Outpatient status:** The term “outpatient status,” with respect to a covered service member,  
76 means the status of a member of the Armed Forces assigned to

- 77
- 78 ● a military medical treatment facility as an outpatient; or
- 79
- 80 ● a unit established for the purpose of providing command and control of members
- 81 of the Armed Forces receiving medical care as outpatients.

82  
83 Serious health condition: A serious health condition is an illness, injury, impairment or  
84 condition that involves inpatient care or continuing treatment by a health care provider.

85  
86 **Serious injury or illness:** The term “serious injury or illness,” in the case of

- 87
- 88 ● a member of the Armed Forces, including a member of the National Guard or
- 89 Reserves, means an injury or illness incurred by the member in line of duty on
- 90 active duty in the Armed Forces (or existed before the beginning of the member’s
- 91 active duty and was aggravated by service in line of duty on active duty in the
- 92 Armed Forces) and that may render the member medically unfit to perform the
- 93 duties of the member’s office, grade, rank, or rating; and
- 94

- a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during a period described in 29 U.S.C. § 2611(15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

- Year: A rolling 12-month period measured backward from the date an employee uses an FMLA leave.

### Notices to Employees

#### Posting and General Notice

~~The Alexandria City school division shall ACPS~~ posts in conspicuous places, on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice explaining the FMLA's provisions and providing information about the procedure for filing complaints with the Department of Labor.

A copy of the notice ~~shall be is also~~ given to each employee upon hiring.

#### Eligibility Notice

When an employee requests FMLA leave, or the Division has knowledge that an employee's leave may be for an FMLA-qualifying reason, the Division should notify the employee of the employee's eligibility to take FMLA leave within five business days. The Eligibility Notice should state whether the employee is eligible for FMLA leave. If the employee is not eligible for FMLA leave, the Notice must state at least one reason why the employee is not eligible (such as, for example, the number of months the employee has worked for the Division.) This notification may be accomplished by providing the employee a copy of the Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act Form WH-381), located online at <http://www.dol.gov/whd/forms/WH-381.pdf>.

#### Notice of Rights and Responsibilities

The Division will provides written notice detailing the specific expectations and obligations of the employee and explaining the consequences of the failure to meet those obligations each time the employee is given an Eligibility Notice. This Notice will includes, as appropriate:

- that the leave may be designated and counted against the employee's annual FMLA leave entitlement and the 12-month period for FMLA entitlement;
- any requirements for the employee to furnish certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status, and the consequences of failing to provide certification;

**Commented [3]:** The notices section has been moved up to improve readability and match the model policy.

- that the Division will substitute paid leave for unpaid leave and any conditions related to the substitution and the employee's right to take unpaid FMLA leave if the employee does not meet the conditions for paid leave;
- 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;
- the employee's rights to maintenance of benefits during the FMLA leave and restoration to the same or an equivalent job upon return from FMLA leave; and
- the employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after FMLA leave.

The Notice of Rights and Responsibilities shall~~should~~ be accompanied by any required certification form.

The Notice of Rights and Responsibilities will also include notice that employees on FMLA leave must report their status and intention regarding returning to work to the Division at least every four weeks.

If the information provided by the Notice of Rights and Responsibilities changes, the Division will, within five business days of receipt of the employee's first notice of need for leave subsequent to any change, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

#### Designation Notice

When the Division has enough information to determine whether the leave is being taken for FMLA-qualifying reasons, the Division should give the employee written notice whether the leave will be designated and will be counted as FMLA leave within five business days. If the Division determines that the leave will not be designated as FMLA-qualifying, the Division must inform the employee of that determination. The Division will also notify the employee that paid leave must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan be counted as FMLA leave at the time of designating the FMLA leave.

If the Division will require the employee to present a fitness-for-duty certification to be restored to employment after taking leave for a continuous period of time, the Division will provide notice of the requirement with the Designation Notice. If the Division will require that the fitness-for-duty certification address the employee's ability to perform the essential functions of the employee's position, the Division must so indicate in the Designation Notice and must include a list of the essential functions of the employee's position.

If the Division has reasonable safety concerns regarding the ability of an employee who is returning to work after intermittent or reduced leave schedule to perform his or her duties based on the serious health condition for which the employee took leave, it may require the employee to submit a fitness for duty certification unless one has been submitted within the past 30 days.

186 If the leave is not designated as FMLA leave because it does not meet the requirements of the  
187 FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the  
188 form of a simple written statement.

189  
190 If the information provided by the Division to the employee in the Designation Notice changes,  
191 the Division will provide, within five business days of receipt of the employee's first notice of  
192 need for leave subsequent to any change, written notice of the change.

193  
194 The Division will notify the employee of the amount of leave counted against the employee's  
195 FMLA leave entitlement. If the amount of leave needed is known at the time the employer  
196 designates the leave as FMLA-qualifying, the Division must notify the employee of the number of  
197 hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the  
198 Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted  
199 against the employee's FMLA leave entitlement, then the Division must provide notice of the  
200 amount of leave counted against the employee's FMLA leave entitlement upon request by the  
201 employee but no more often than once in a 30-day period and only if leave was taken in that period.

202  
203 The Division's decision to designate leave as FMLA-qualifying will be based only on information  
204 received from the employee or the employee's spokesperson. If the Division does not have  
205 sufficient information about the reason for an employee's use of leave, the Division will inquire  
206 further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-  
207 qualifying. Once the Division has knowledge that the leave is being taken for FMLA-qualifying  
208 reasons, the Division will provide the employee the notice described in this subsection.

209  
210 An employee giving notice of the need for FMLA leave must explain the reasons for the needed  
211 leave so as to allow the Division to determine whether the leave is FMLA-qualifying. If the  
212 employee fails to explain the reasons, leave may be denied.

213  
214 **h Leave Period**

215  
216 Any eligible employee is entitled to leave for a combined total of twelve (12) weeks per year for  
217 the following situations:

- 218  
219 ● ~~t~~The birth and care of a newborn child;
- 220  
221 ● ~~t~~The adoption or foster placement of a child;
- 222  
223 ● ~~t~~To care for an employee's spouse, parent, or child with a serious health condition;
- 224  
225 ● ~~b~~Because of a serious health condition that makes the employee unable to perform the  
226 essential functions of the employee's job; and
- 227  
228 ● ~~b~~Because of any qualifying exigency as defined in Department of Labor regulations,  
229 arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on  
230 covered active duty (or has been notified of an impending call or order to covered active  
231 duty) in the Armed Forces.
- 232

233 However, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered  
234 service-member is entitled to a total of 26 workweeks of leave per year to care for the service  
235 member. Leave under this paragraph is available only during a single year. During that year the  
236 employee is entitled to a combined total of 26 workweeks of leave under this policy.

237  
238 To the extent that an employee is entitled to compensated leave under other ~~Alexandria City school~~  
239 ~~division-ACPS~~ policies, such paid leave shall be ~~substituted for unpaid FMLA leave used~~  
240 ~~concurrently with the family and medical leave entitlement~~. Otherwise, family and medical leave  
241 is unpaid. When paid leave is available, the employee must satisfy any procedural requirements  
242 of ~~ACPS's the Division's~~ paid leave policy.

Commented [4]: Changed to match the model policy. I'm not sure which version provides more clarity...

243  
244 Employees on FMLA leave ~~will be required to must~~ report their status and intention regarding  
245 returning to work to the school division every four weeks.

## 246 H: Types of Leave

### 247 **Leave for the Birth, Adoption or Foster Placement of a Child**

248  
249 The employee's entitlement to leave for a birth, adoption or foster placement of a child expires at  
250 the end of the twelve month period beginning on the date of the birth, adoption or foster placement.  
251 Leave taken for the birth, adoption or foster placement of a child may be taken intermittently or  
252 on a reduced leave schedule if the Superintendent ~~or designee~~ agrees to such an arrangement.

253  
254 If the necessity for leave for the birth, adoption or foster placement of a child is foreseeable based  
255 on an expected birth or placement, the employee shall provide the employer with not less than 30  
256 days' notice, before the date the leave is to begin, of the employee's intention to take leave. If the  
257 date of the birth or placement requires leave to begin in less than 30 days, the employee shall  
258 provide such notice ~~as is practicable within two work days of when the need becomes known~~. The  
259 employee's notice should be sufficient to make the Division aware that the employee needs  
260 FMLA-qualifying leave and of the anticipated timing and duration of the leave.

Commented [5]: Per the VSBA model policy and other similar statements in other locations in the policy. The DOL statement is "it is possible and practical to do so."

REF:  
<https://www.dol.gov/agencies/whd/fact-sheets/28e-fmla-employee-notice#:~:text=is%20possible%20and%20practical%20to%20do%20so>.

### 261 **Leave For Serious Health Condition of Employee**

262 Employees are entitled, when medically necessary, to take such leave on an intermittent or reduced  
263 leave schedule except as provided below.

264 If the necessity for leave is foreseeable based on planned medical treatment, the employee shall

- 265 ● make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations  
266 of the Division; and
- 267 ● provide the Division with at least 30 days' notice, before the date the leave is to begin, of  
268 the employee's intention to take leave. If the date of the treatment requires leave to begin  
269 in less than 30 days, the employee shall provide such notice ~~as is practicable within two~~  
270 ~~work days of when the need becomes known~~.

279 The employee's notice should be sufficient to make the Division aware that the employee needs  
280 FMLA-qualifying leave and of the anticipated timing and duration of the leave.

281  
282 The ~~School~~ Board may require that a request for leave because of the employee's own serious  
283 health condition be supported by a certification issued by a health care provider of the employee.  
284 The Division should request that the employee furnish certification when the employee gives  
285 notice of the need for leave or within five business days thereafter, or, in the case of unforeseen  
286 leave, within five business days after the leave begins. The Division may request certification at  
287 a later date if it later has reason to question the appropriateness of the leave or its duration. The  
288 employee must provide a complete and sufficient certification within 15 calendar days after the  
289 Division's request. When the Division requests certification, it will advise the employee of the  
290 anticipated consequences of the employee's failure to provide adequate certification.

291  
292 Certification will be sufficient if it states

- 293  
294 • the name, address, telephone number and fax number of the health care provider and the  
295 type of medical practice/specialization; the date on which the serious health condition  
296 commenced;
- 297  
298 • the approximate date on which the serious health condition commenced and the its probable  
299 duration of the condition;
- 300  
301  
302 • a statement or description of the appropriate medical facts regarding the employee's health  
303 condition for which FMLA leave is requested. The medical facts must be sufficient to  
304 support the need for leave within the knowledge of the health care provider regarding the  
305 condition; and
- 306  
307 • information sufficient to establish that the employee is unable to perform the essential  
308 functions of the employee's position, the nature of any other work restrictions, and the  
309 likely duration of such inability, a statement that the employee is unable to perform the  
310 function of his or her position due to the employee's health condition

311  
312 If ~~an employee requests FMLA leave is to be taken~~ on an intermittent or reduced leave schedule  
313 for planned medical treatment of the employee's serious health condition, the certification shall  
314 include information sufficient to establish the medical necessity for such intermittent or reduced  
315 schedule leave and an estimate of the dates on which such treatment is expected to be given and  
316 the duration of such treatment and any period of recovery. ~~If an employee takes leave on an~~  
317 ~~intermittent or reduced leave schedule because of his or her own serious health condition, the~~  
318 ~~certification shall include a statement of the medical necessity for the intermittent leave or leave~~  
319 ~~on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave~~  
320 ~~schedule.~~

321  
322 If an employee requests leave on an intermittent or reduced leave schedule because of ~~his or her~~  
323 the employee's own serious health condition that may result in unforeseeable episodes of  
324 incapacity, the certification shall include information sufficient to establish the medical necessity

Commented [6]: Adjusted to align with the VSBA model policy and the same statements occurring in other locations in the document.

325 for the intermittent leave or leave on a reduced leave schedule, and an estimate of the frequency  
326 and duration of the episodes of incapacity.

327  
328 If the employee submits a complete and sufficient certification signed by the health care provider,  
329 the Division may not request additional information from the health care provider. However, the  
330 Division may contact the health care provider for purposes of clarification and authentication of  
331 the medical certification. To make such contact, the Division must use a health care provider, a  
332 human resources professional, a leave administrator, or a management official. The employee's  
333 direct supervisor may not contact the employee's health care provider.

334  
335 If the school division doubts the validity of a certification, it may require, at its own expense, that  
336 the employee obtain the opinion of a second health care provider designated or approved by the  
337 school division concerning any information certified. The health care provider designated or  
338 approved by the school division may not be employed by the school division on a regular basis.

339  
340 If the second opinion differs from the original certification, the school division may require, at its  
341 own expense, that the employee obtain the opinion of a third health care provider designated or  
342 approved jointly by the school division and the employee concerning the certified  
343 information~~information certified~~. The opinion of the third health care provider will be binding on  
344 both the school division and the employee.

#### 345 346 **Leave For Serious Health Condition of a Child, Spouse or Parent of Employee**

347  
348 Family and medical leave ~~shall be is~~ provided when the employee is needed to care for his/her the  
349 employee's spouse, child, or parent with a serious health condition, as defined above. Employees  
350 are entitled, when medically necessary, to take such leave on an intermittent or reduced leave  
351 schedule except as provided below.

352  
353 If the necessity for leave is foreseeable based on planned medical treatment, the employee shall  
354  
355 ● make a reasonable effort to schedule the treatment so as not to disrupt unduly the  
356 operations of the Division; and  
357  
358 ● provide the Division with at least 30 days' notice before the date the leave is to begin, of  
359 the employee's intention to take leave. If the date of the treatment requires leave to begin  
360 in less than 30 days, the employee shall provide such notice as is practicable.

361  
362 The employee's notice should be sufficient to make the Division aware that the employee needs  
363 FMLA-qualifying leave and the anticipated timing and duration of the leave.

364  
365 The ~~School~~ Board may require that a request for leave to care for an employee's spouse, parent,  
366 or child with a serious health condition be supported by a certification issued by a health care  
367 provider of the employee, or family member in need of care. The Division should ask the employee  
368 to furnish certification when the employee gives notice of the need for leave or within five business  
369 days thereafter, or, in the case of unforeseen leave, within five business days after the leave begins.  
370 The Division may request certification at some later date if it has reason to question the  
371 appropriateness of the leave or its duration. The employee must provide the requested certification



372 within 15 calendar days after the Division's request. When the Division requests certification, it  
373 will advise the employee of the anticipated consequences of the employee's failure to provide  
374 adequate certification.

375 Certification will be sufficient if it states:

- 376 ● the name, address, telephone number, and fax number of the health care provider  
377 and type of medical practice/specialization;
- 378 ● the approximate date on which the serious health condition commenced and its  
379 probable duration;
- 380 ● a statement or description of appropriate medical facts regarding the patient's health  
381 condition for which FMLA leave is requested. The medical facts must be sufficient  
382 to support the need for leave; and
- 383 ● information sufficient to establish that the family member is in need of care and an  
384 estimate of the frequency and duration of the leave required to care for the family  
385 member.

386 If ~~an employee requests leave~~ FMLA leave is to be taken on an intermittent or reduced leave  
387 schedule for planned medical treatment of a family member's serious health condition, the  
388 certification shall include information sufficient to establish the medical necessity for such  
389 intermittent or reduced leave schedule and an estimate of the dates and the duration of such  
390 treatments and any periods of recovery.

391 If the employee ~~takes requests~~ leave on an intermittent reduced leave schedule in order to care for  
392 a family member with a serious health condition, the certification shall include a statement that the  
393 employee's intermittent leave or leave on a reduced leave schedule is medically necessary for the  
394 care of the son, daughter, parent, or spouse who has a serious health condition, or will assist in  
395 their recovery, and the expected duration and schedule of the intermittent leave or reduced leave  
396 schedule.

397 If the employee submits a complete and sufficient certification signed by the health care provider,  
398 the Division may not request additional information from the health care provider. However, the  
399 Division may contact the health care provider for purposes of clarification and authentication of  
400 the medical certification. To make such contact, the Division must use a health care provider, a  
401 human resources professional, a leave administrator, or a management official. The employee's  
402 direct supervisor may not contact the health care provider.

403 If the school division doubts the validity of a certification, it may require, at its own expense, that  
404 the employee obtain the opinion of a second health care provider designated or approved by the  
405 school division concerning any information certified. The health care provider designated or  
406 approved by the school division may not be employed by the school division on a regular basis.

407 If the second opinion differs from the original certification, the school division may require, at its  
408 own expense, that the employee obtain the opinion of a third health care provider designated or



419 approved jointly by the school division and the employee concerning the certified  
420 information~~information certified~~. The opinion of the third health care provider will be binding on  
421 both the school division and the employee.

422  
423 **Leave to Care for a Covered Service member**

424 If the necessity for leave is foreseeable based on planned medical treatment for a serious injury or  
425 illness of a covered service member, the employee shall

- 426  
427
- 428 ● make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations  
429 of the Division; and
  - 430
  - 431 ● provide the Division with at least 30 days' notice, before the date the leave is to begin, of  
432 the employee's intention to take leave. If the date of the treatment requires leave to begin  
433 in less than 30 days, the employee shall provide such notice as is practicable.
  - 434

435 The employee's notice should be sufficient to make the Division aware that the employee needs  
436 FMLA-qualifying leave and the anticipated timing and duration of the leave.

437  
438 The ~~School~~ Board may require that a request for leave to care for a covered service-member with  
439 a serious injury or illness be supported by a certification issued by a health care provider of the  
440 covered service-person. The certification may be completed by any health care provider listed in  
441 29 C.F.R. 825.310(a). The employee shall provide, in a timely manner, a copy of such certification  
442 to the school division.

443  
444 Certification will be sufficient if it states

- 445
- 446 ● the name, address, and appropriate contact information (telephone number, fax  
447 number, and/or email address) of the health care provider, the type of medical  
448 practice, the medical specialty, and whether the health care provider is one of the  
449 following: a United States Department of Defense (DOD) health care provider, a  
450 United States Department of Veterans Affairs (VA) health care provider, a DOD  
451 TRICARE network authorized private health care provider, or a DOD non-network  
452 TRICARE authorized health care provider or a health care provider as defined in  
453 29 C.F.R. 825.125;
  - 454
  - 455 ● whether the covered service-member's injury or illness was incurred in the line of  
456 duty on active duty;
  - 457
  - 458 ● the approximate date on which the serious health condition or serious injury or  
459 illness commenced or was aggravated and its probable duration;
  - 460
  - 461 ● a statement or description of appropriate medical facts regarding the covered  
462 service-member's health condition for which FMLA leave is requested. The  
463 medical facts must be sufficient to support the need for leave; and
  - 464

- information sufficient to establish that the covered service-member is in need of care and whether the covered service-member will need care for a single continuous period of time, including any time for treatment and recovery, and an estimate as to the beginning and ending dates for this period of time.

If an employee requests FMLA leave on an intermittent or reduced leave schedule for planned medical treatment appointments for the covered service-member, the certification must state that there is a medical necessity for the covered service-member to have such periodic care and must contain an estimate of the treatment schedule of such appointments.

If an employee requests FMLA leave on an intermittent or reduced schedule basis to care for a covered service-member other than for planned medical treatment, the certification must contain a statement that there is a medical necessity for the covered service-member to have such periodic care, and must contain an estimate of the frequency and duration of the periodic care.

In addition to the information listed above, the Division may also request that the certification set forth the information on the Certification for Serious Injury or Illness of Covered Service member for Military Family Leave, Form WH-385, ~~located online at <http://www.dol.gov/whd/forms/WH-385.pdf>~~.

In lieu of Form WH-385, the Division ~~will accept~~s ~~invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill service-member at his or her the servicemember's bedside.~~ An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA. During that time period, the employee may take leave to care for the covered service-member in a continuous block of time or on an intermittent basis.

The information on the certification must relate only to the serious injury or illness for which the current need for leave exists. The Division may seek authentication or clarification of the certification, ITO, or ITA but may not seek second or third opinions. The Division may require an employee to provide confirmation ~~of the covered of covered~~ family relationship to the seriously injured or ill service-member.

The Division ~~will also accept~~s as sufficient certification of the service-member's serious injury or illness documentation indicating the service-member's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

#### **Leave Related to a Qualifying Exigency Arising from Covered Active Duty or a Call to Covered Active Duty**

If the necessity for leave because of a qualifying exigency arising from the fact that a family member is on covered active duty or has been notified of an impending call to covered active duty is foreseeable, the employee shall give such notice to the school division as is reasonable and practicable. The employee's notice should be sufficient to make the Division aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave.

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status (or notification of an impending call or

511 order to covered active duty) of a military member, the Division may require the employee to  
512 provide a copy of the military member's active duty orders or other documentation issued by the  
513 military which indicates that the military member is on covered active duty or call to covered  
514 active duty status and the dates of the military member's covered active duty service. A copy of  
515 new active duty orders or other documentation issued by the military shall be provided to the  
516 Division if the need for leave because of a qualifying exigency arises out of a different covered  
517 active duty or call to covered active duty status (or notification of an impending call or order to  
518 covered active duty) of the same or a different military member.

519 A request for leave because of a qualifying exigency must be supported by

- 522 ● a statement or description signed by the employee of appropriate facts regarding  
523 the qualifying exigency for which FMLA leave is requested. The facts must be  
524 sufficient to support the need for leave;
- 525 ● the approximate date on which the qualifying exigency commenced or will  
526 commence;
- 527 ● the beginning and ending dates of absence if the employee requests leave because  
528 of a qualifying exigency for a single, continuous period of time;
- 529 ● an estimate of the frequency and duration of the qualifying exigency if the  
530 employee requests leave because of a qualifying exigency on an intermittent or  
531 reduced schedule basis;
- 532 ● if the qualifying exigency involves meeting with a third party, appropriate contact  
533 information for the individual or entity with whom the employee is meeting and a  
534 brief description of the purpose of the meeting; and
- 535 ● if the qualifying exigency involves Rest and Recuperation leave, a copy of the  
536 military member's Rest and Recuperation orders, or other documentation issued by  
537 the military which indicates that the military member has been granted Rest and  
538 Recuperation leave, and the dates of the military member's Rest and Recuperation  
539 leave.

#### 546 **Rules for Intermittent and Reduced Schedule Leave**

547  
548 When permitted by the FMLA, intermittent and reduced schedule leave may be used until the  
549 aggregate amount of such leave equals twelve weeks or twenty-six weeks if the leave is taken to  
550 care for a covered servicemember in the employee's rolling year. However, when the employee  
551 requests intermittent or reduced schedule leave that is foreseeable based on planned medical  
552 treatment the school division may temporarily transfer the employee to an available alternative  
553 position with equivalent pay and benefits that better accommodates the employee's intermittent or  
554 reduced schedule leave.

555  
556 ~~Instructional employees who need foreseeable intermittent or reduced schedule leave based on~~  
557 ~~planned medical treatment for their own serious health condition or to care for a spouse, parent, or~~

558 ~~child with a serious health condition and the leave would be greater than twenty percent of the~~  
559 ~~total number of working days over the period of leave may be required to elect either~~  
560 ~~When an eligible employee employed principally in an instructional capacity requests leave to care~~  
561 ~~for a family member with a serious health condition, leave because of the employee's own serious~~  
562 ~~health condition, or leave to care for a covered servicemember and the leave is foreseeable based~~  
563 ~~on planned medical treatment and the employee would be on leave for greater than 20 percent of~~  
564 ~~the total number of working days in the period during which the leave would extend, the school~~  
565 ~~division may require the employee to elect either~~

- 566
- 567 ● ~~t~~To take leave for periods of a particular duration, not to exceed the duration of the planned  
568 medical treatment; or
- 569
- 570 ● ~~t~~To transfer temporarily to an available alternative position offered by the school division  
571 for which the employee is qualified and that has equivalent pay and benefits and better  
572 accommodates recurring periods of leave than the employee's regular employment  
573 position.
- 574

575 The school division may require an employee to make such an election when the employee  
576 has

- 577
- 578 ● ~~m~~Made a reasonable effort to schedule the treatment so as not to disrupt unduly the  
579 operations of the Division, subject to approval of the health care provider; and
- 580
- 581 ● ~~h~~Has provided the Division with not less than 30 days' notice before the date the  
582 leave is to begin, of the employee's intention to take leave, except that if the date  
583 of the treatment requires leave to begin in less than 30 days, the employee shall  
584 provide such notice as is practicable.
- 585

586 **Rules for ~~Married Couples~~Husband and Wife Employed by Alexandria City Public Schools**

Commented [7]: Changed to recognize other forms of marriage.

587

588 A ~~married couple~~husband and wife who are both eligible for family and medical leave and are  
589 employed by ~~ACPS~~Alexandria City Public Schools shall be granted family and medical leave only  
590 for a combined total of twelve weeks per year when the leave is taken for the birth, foster  
591 placement, or adoption of a child or to care for the child after birth, adoption or foster placement  
592 or to care for a parent, spouse, or child with a serious health condition.

593

594 A husband and wife who are both eligible for family and medical leave and are employed by  
595 ~~ACPS~~Alexandria City Public Schools shall be granted family and medical leave only for a  
596 combined total of 26 work\_weeks per year if the leave

- 597
- 598 ● is taken to care for a covered service-member; or
- 599
- 600 ● is taken as a combination of leave to care for a covered service-member and leave for the  
601 birth, foster placement, or adoption of a child or to care for the child after birth, adoption,  
602 or foster placement or to care for a parent with a serious health condition. However, if the  
603 leave taken by the husband and wife includes leave for the birth, foster placement, or  
604 adoption of a child or to care for the child after birth, adoption, or foster placement or to

605 care for a parent with a serious health condition, the leave for that reason shall be limited  
606 to 12 workweeks per year.

607  
608 ~~Notices to Employees~~  
609 ~~Eligibility Notice~~

610 ~~When an employee requests FMLA leave, or the Division has knowledge that an employee's leave~~  
611 ~~may be for an FMLA-qualifying reason, the Division should notify the employee of the employee's~~  
612 ~~eligibility to take FMLA leave within five business days. The Eligibility Notice should state~~  
613 ~~whether the employee is eligible for FMLA leave. If the employee is not eligible for FMLA leave,~~  
614 ~~the Notice must state at least one reason why the employee is not eligible (such as, for example,~~  
615 ~~the number of months the employee has worked for the Division.) This notification may be~~  
616 ~~accomplished by providing the employee a copy of the Notice of Eligibility and Rights &~~  
617 ~~Responsibilities (Family and Medical Leave Act Form WH-381), located online at~~  
618 ~~<http://www.dol.gov/whd/forms/WH-381.pdf>.~~

619  
620 ~~Notice of Rights and Responsibilities~~

621 ~~The Division will provide written notice detailing the specific expectations and obligations of the~~  
622 ~~employee and explaining the consequences of the failure to meet those obligations each time the~~  
623 ~~employee is given an Eligibility Notice. This Notice will include, as appropriate:~~

- 624 ~~• that the leave may be designated and counted against the employee's annual FMLA leave~~  
625 ~~entitlement and the 12-month period for FMLA entitlement;~~
- 626 ~~• any requirements for the employee to furnish certification of a serious health condition,~~  
627 ~~serious injury or illness, or qualifying exigency arising out of active duty or call to active~~  
628 ~~duty status, and the consequences of failing to provide certification;~~
- 629 ~~• that the Division will substitute paid leave for unpaid leave and any conditions related to~~  
630 ~~the substitution and the employee's right to take unpaid FMLA leave if the employee does~~  
631 ~~not meet the conditions for paid leave;~~
- 632 ~~• any requirement for the employee to make any premium payments to maintain health~~  
633 ~~benefits and the arrangements for making such payments, and the possible consequences~~  
634 ~~of failure to make such payments on a timely basis;~~
- 635 ~~• the employee's rights to maintenance of benefits during the FMLA leave and restoration~~  
636 ~~to the same or an equivalent job upon return from FMLA leave; and~~
- 637 ~~• the employee's potential liability for payment of health insurance premiums paid by the~~  
638 ~~employer during the employee's unpaid FMLA leave if the employee fails to return to work~~  
639 ~~after FMLA leave.~~

640  
641 ~~The Notice of Rights and Responsibilities should be accompanied by any required certification~~  
642 ~~form.~~

643 ~~The Notice of Rights and Responsibilities will also include notice that employees on FMLA leave~~  
644 ~~must report their status and intention regarding returning to work to the Division at least every four~~  
645 ~~weeks.~~

646 ~~If the information provided by the Notice of Rights and Responsibilities changes, the Division~~  
647 ~~will, within five business days of receipt of the employee's first notice of need for leave subsequent~~

Commented [8]: Moved up to improve readability and match the model policy

648 to any change, provide written notice referencing the prior notice and setting forth any of the  
649 information in the Notice of Rights and Responsibilities that has changed.

650 **Designation Notice**

651 When the Division has enough information to determine whether the leave is being taken for  
652 FMLA-qualifying reasons, the Division should give the employee written notice whether the leave  
653 will be designated and will be counted as FMLA leave within five business days. If the Division  
654 determines that the leave will not be designated as FMLA-qualifying, the Division must inform  
655 the employee of that determination. The Division will also notify the employee that paid leave  
656 must be substituted for unpaid FMLA leave or that paid leave taken under an existing leave plan  
657 be counted as FMLA leave at the time of designating the FMLA leave.

658 If the Division will require the employee to present a fitness for duty certification to be restored  
659 to employment after taking leave for a continuous period of time, the Division will provide notice  
660 of the requirement with the Designation Notice. If the Division will require that the fitness for  
661 duty certification address the employee's ability to perform the essential functions of the  
662 employee's position, the Division must so indicate in the Designation Notice and must include a  
663 list of the essential functions of the employee's position.

664 If the Division has reasonable safety concerns regarding the ability of an employee who is  
665 returning to work after intermittent or reduced leave schedule to perform his or her duties based  
666 on the serious health condition for which the employee took leave, it may require the employee to  
667 submit a fitness for duty certification unless one has been submitted within the past 30 days.

668 If the leave is not designated as FMLA leave because it does not meet the requirements of the  
669 FMLA, the notice to the employee that the leave is not designated as FMLA leave may be in the  
670 form of a simple written statement.

671 If the information provided by the Division to the employee in the Designation Notice changes,  
672 the Division will provide, within five business days of receipt of the employee's first notice of  
673 need for leave subsequent to any change, written notice of the change.

674 The Division will notify the employee of the amount of leave counted against the employee's  
675 FMLA leave entitlement. If the amount of leave needed is known at the time the employer  
676 designates the leave as FMLA-qualifying, the Division must notify the employee of the number of  
677 hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the  
678 Designation Notice. If it is not possible to provide the hours, days, or weeks that will be counted  
679 against the employee's FMLA leave entitlement, then the Division must provide notice of the  
680 amount of leave counted against the employee's FMLA leave entitlement upon request by the  
681 employee but no more often than once in a 30-day period and only if leave was taken in that period.

682 The Division's decision to designate leave as FMLA-qualifying will be based only on information  
683 received from the employee or the employee's spokesperson. If the Division does not have  
684 sufficient information about the reason for an employee's use of leave, the Division will inquire  
685 further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-  
686 qualifying. Once the Division has knowledge that the leave is being taken for FMLA-qualifying  
687 reasons, the Division will provide the employee the notice described in this subsection.

688 ~~An employee giving notice of the need for FMLA leave must explain the reasons for the needed~~  
689 ~~leave so as to allow the Division to determine whether the leave is FMLA qualifying. If the~~  
690 ~~employee fails to explain the reasons, leave may be denied.~~ **Benefits During Family and Medical**

691 **Leave**

692  
693 Employees on family and medical leave ~~shall~~ receive the group health insurance plan coverage on  
694 the same conditions as coverage would have been provided if the employee had been working  
695 during the period of leave. Other benefits ~~are shall be~~ provided according to the ~~Alexandria City~~  
696 ~~Public Schools ACPS~~ policy for paid or unpaid leave, whichever applies.

697  
698 If the employee fails to return to work when the period of leave to which he or she is entitled  
699 expires for any reason other than the continuation, recurrence, or onset of a serious health condition  
700 that entitles the employee to leave, or other circumstances beyond the employee's control, the  
701 school division may recover the premium it paid for maintaining the employee's coverage during  
702 the period of unpaid leave in accordance with federal law.

703  
704 **Return to Work**

705  
706 An employee on family and medical leave shall provide the Division at least two work days' notice  
707 of the intent to return to work. The employee shall be returned to the same or equivalent position  
708 at the end of the family and medical leave unless the Division shows that the employee would not  
709 otherwise have been employed at the time reinstatement is requested.

710 The following return to work provisions apply to instructional employees:

- 711  
712
- 713 ● If an instructional employee begins family and medical leave more than five (5) weeks  
714 before the end of an academic term, the employee may be required to continue taking leave  
715 until the end of an academic term if the leave is at least three (3) weeks in duration and the  
716 return to work would occur during the last three (3) weeks of the academic term.
  - 717  
718 ● If an instructional employee begins family and medical leave a) because of the birth,  
719 adoption, or foster care placement of a son or daughter of the employee, b) to care for a  
720 family member with a serious health condition, or c) to care for a covered  
721 servicemember for a purpose other than the employee's own serious health condition during  
722 the five (5) week period before the end of an academic term, the employee may be required  
723 to continue taking leave until the end of the academic term if the leave is longer than two  
724 (2) weeks in duration and the return to work would occur during the last two (2) weeks of  
725 an academic term.
  - 726  
727 ● If an instructional employee begins family and medical leave a) because of the birth,  
728 adoption, or foster care placement of a son or daughter of the employee, b) to care for a  
729 family member with a serious health condition, or c) to care for a covered  
730 servicemember for a purpose other than the employee's own serious health condition during  
731 the three (3) week period before the end of an academic term, the employee may be  
732 required to continue taking leave until the end of an academic term if the leave is longer  
733 than five (5) working days in duration.
- 734



735 If an instructional employee is required to continue leave until the end of an academic term, only  
736 the period of leave until the employee is ready and able to return to work shall be counted against  
737 the twelve week family and medical leave entitlement. However, the Division must continue the  
738 group health insurance coverage under the same conditions as if the employee were working.

739  
740 **Outside Employment**

741  
742 An employee who is on family and medical leave may not engage in employment for any other  
743 employer or self-employment while on leave. Falsification of records and failure to correct records  
744 known to be false are violations of this policy and will result in discipline which may include  
745 termination from employment.

746  
747  
748 Adopted: January 7, 1999  
749 Amended: April 20, 2006  
750 Amended: May 5, 2016

751  
752  
753 Legal Refs.: ~~10 U.S.C. § 101(a)(13)(B)~~  
754  
755 29 U.S.C. §§ 207, 2601, et seq., 2611, 2612, 2613, 2614, 2618, 2619  
756  
757 29 CFR §§ 825.110, 825.115, 825.122, 825.124, 825.125, 825.200, 825.203,  
758 825.207, 825.300, 825.301, 825.302, 825.303, 825.305, 825.306, 825.307, 825.309,  
759 825.310, 825.311, 825.312, 825.600, 825.602, 825.603, 825.604 825.800.

760  
761 Family & Medical Leave Act (FMLA) Forms:  
762  
763 Employee Rights and Responsibilities Under the Family and Medical Leave Act  
764 (WHD Publication 1420) (Revised April 2016)  
765  
766 Certification of Health Care Provider for Employee's Serious Health Condition  
767 (Family and Medical Leave Act) (Form WH-380-E) (Revised June 2020)  
768  
769 Certification of Health Care Provider for Family Member's Serious Health Condition  
770 (Family and Medical Leave Act) (Form WH-380-F) (Revised June 2020)  
771  
772 Notice of Eligibility and Rights & Responsibilities Under the  
773 ~~(Family and Medical Leave Act)~~ (Form WH-381) (Revised June 2020)  
774  
775 Designation Notice Under the  
776 ~~(Family and Medical Leave Act)~~ (Form WH-382) (Revised June 2020)  
777  
778 Certification of Qualifying Exigency for Military Family Leave  
779 Under the ~~(Family and Medical Leave Act)~~ (Form WH-384) (Revised June 2020)  
780



**File: GCBE**

781 Certification for Serious Injury or Illness of Covered Service member—for Military  
782 Family Leave  
783 Under the (Family and Medical Leave Act) (Form WH-385) (Revised June 2020)

784  
785 Certification for Serious Injury or Illness of a Veteran for Military Caregiver  
786 Leave  
787 Under the (Family and Medical Leave Act) (Form WH-385-V) (Revised June  
788 2020)

789  
790 Cross Refs.: GCBD Staff Leaves and Absences  
791 GCBEA Leave without Pay  
792 GCBEB Military Leave and Benefits  
793 GCQA Nonschool Employment by Staff Members

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