Family Medical Leave Act
(FMLA) of 1993 under President Clinton

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History and Intended Purpose

- Job-protected 12 weeks of unpaid leave due to the birth/adoption/foster care of a child, personal medical problems, or caring for a seriously ill family member – for males/females

- Limited Coverage:
  - 50+ employees/75 miles/public agency
  - 1+ years/1,250 hours/12 months
  - Employee intends to return

- Military caregiver leave if urgent need exists

- Child/spouse/parent

Family   Work

FMLA Specifics

- Employ<u>er</u> pays health care costs during leave
- Employ<u>ee</u> decides what is a legitimate need
- District sets definition of <u>year</u> [e.g., fiscal year)
- Mental Health counts as FMLA
- 30 days notice before leave begins
- Employer can require paid leave be used first
- All leave (paid/unpaid) is simultaneous
- Spouses under same employer = 12 week limit
- Health care provider certification

Alaska Family Leave Act (AFLA)

- Public school district <u>sites</u> with 21+ employees within 50 <u>road</u> miles

- Limited to employees with:
  - 20 consecutive workweeks in preceding 2 years
  - 35 hours a week in the last 6 consecutive months or 17.5+ hours a week during preceding 12 months

- 18 weeks unpaid simultaneous with FMLA

- District does not have to cover health care costs during portion of AFLA unpaid leave

Impact on Schools

- Estimated costs nationally = $6.3 billion a year

- Can prohibit other employment while on leave

- Guaranteed return to same position

- Tracking:
  - Some employees not covered by FMLA/AFLA
  - Some sites in a district not covered by AFLA
  - Seniority/benefit accrual stops on FMLA
  - Can seek cost of health care if no return
  - Special rules for intermittent leave

New Research/Discovery

- Definition of Family:
    - Domestic Partners
    - Grandparents
    - In-Laws
    - Loco parents
- Definition of Illness:
    - Organ/bone marrow donor
    - Home care
    - Educational activities
- Courts err on the side of the employee even if employee did not file for FMLA but is fired due to health-related issues