

Risk Management
56 S. Lincoln
Stockton, CA 95203
(209) 933-7110
FAX (209) 933-6526

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FAMILY MEDICAL LEAVE RIGHTS

ENTITLEMENTS:

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, "designated person" as of January 2023, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

****An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.**

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave.

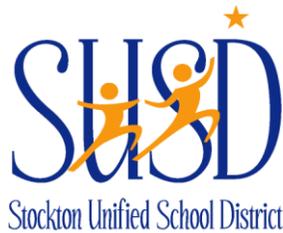
BENEFITS & PROTECTIONS:

- While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.
- Upon return from FMLA leave, most employees will return to the same job/position, equivalent pay, benefits, and other employment terms and conditions.
- An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS:

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months; and
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.



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REQUESTING LEAVE:

- Employees should when possible give at least a 30-day advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.
- Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. FMLA leave was previously taken or certified.
- Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES:

- Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA.
- If the employee is requesting FMLA and is not eligible, the employer must provide a reason for ineligibility.
- Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.