

SWEETWATER COUNTY SCHOOL DISTRICT NUMBER ONE

Procedure for Processing FMLA Leave Requests

- I. Determine eligibility
 1. Has employee submitted a completed "Request for Family or Medical Leave of Absence" (District form # 1)
 2. Is the request for an approved absence?
 - a. Birth of the employee's child?
 - b. The placement of a child for adoption or foster care with an employee?
 - c. Employee needs to provide care for a child, spouse, or parent who has a serious health condition
 - d. Employee's own serious condition prevents the employee from performing at least one of the essential functions of his or her position
 - e. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.
 - f. Employee needs to provide care for a child, spouse, parent, or next-of-kin who is a current member of the Armed Forces with a serious injury or illness.
 3. Has the District employed the employee for the past twelve months?
 4. Has employee worked over 1,250 hours during the past twelve months?
 5. Is the employee salaried and among the highest paid 10% of District employees? (If yes, special rules apply. Will keeping the job open for the employee result in substantial and grievous economic injury to the District? If yes, job restoration can be denied after leave.
- II. Did employee comply with the notice requirements?
 1. Was the approved absence a planned/scheduled event? (Such as the birth of a child, placement for adoption or foster care, or other anticipated event)
 2. Did the employee submit the Leave Request at least ten (10) days prior to the commencement of the requested leave? (If not, employee is eligible for FMLA leave ten (10) days after leave request).
 3. Did the employee submit the Certification of Health Care Provider, U.S.Department of Labor Form WH-380? (Employee is eligible for FMLA leave only after submitting this Certification).
- III. Determine amount of FMLA leave available :
 1. Has employee taken any FMLA leave during the past twelve months?

2. If yes, was the FMLA for the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency?
3. If yes, subtract the amount of FMLA leave taken during the last twelve months from twelve (12) weeks. The result is the amount of FMLA leave available to the employee at this time.
4. If no, was the FMLA leave to care for a covered servicemember with a serious injury or illness?
5. If yes, the employee is entitled to 26 workweeks of leave to care for a covered servicemember with a serious injury or illness during a "single 12-month period." This leave is to be applied on a per-covered-servicemember, per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any "single 12-month period." Subtract the amount of leave taken to care for an injured servicemember (per member/per injury) from 26 weeks. The result is the amount of FMLA leave available to the employee at this time.

IV. Is the employee an instructional employee as defined in the FMLA Policy?

1. Is the instructional employee requesting intermittent or reduced leave?
 - a. If yes, will the intermittent or reduced leave constitute more than twenty percent of the employee's normal working hours? (or, if the: employee normally works five days per week, is the employee requesting intermittent or reduced leave for more than one day per week?)
 - b. If yes, determine if the District will require the employee to transfer temporarily to a part-time schedule or alternative position that better accommodates recurring absences.
2. Is the instructional employee requesting leave more than five weeks before the end of a term?
 - a. If yes, is the leave scheduled to take more than three weeks and to end during the three-week period before the end of the term?
 - b. If yes, determine if the District will require the employee to take leave until the end of the term.

3. Is the instructional employee requesting leave for purposes other than the employee's own serious health condition during the five-week period before the end of a term?
 - a. If yes, is the leave scheduled to take more than two weeks and to end during the two-week period before the end of the term?
 - b. If yes, determine if the District will require the employee to take leave until the end of the term.
4. Is the instructional employee requesting leave for purposes other than the employee's own serious health condition during the three-week period before the end of a term?
 - a. If yes, determine if the District will require the employee to take leave until the end of the term.
- V. Is the requestor a "key employee"? A key employee is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the District. This determination must be made at the time the employee requests FMLA leave.
 1. If yes, determine if restoration of employment to the "key employee" will cause "substantial and grievous economic injury" to the operations of the District.
 2. If yes, determine whether employment will be restored despite the grievous injury to the District.
- VI. Determine whether or not the District will require at least two days notice if the employee intends to return to work prior to the return date indicated on the "Request for Family or Medical Leave of Absence."
- VII. Complete the "Response to Employee Request for Family or Medical Leave" form, and review it with the employee.

Adopted 2/14/01

School District #1, Sweetwater County, Wyoming