
FAMILY AND MEDICAL LEAVE ACT

The District provides eligible employees with job protected leave for family and medical circumstances in accordance with the Federal and Medical Leave Act of 1993, as amended (“Act” or “FMLA”). This policy summarizes the key provisions of the Act as it applies to eligible employees of the School District. Employees should consult Human Resources and the Act for more specific definitions and criteria for use. It is not the intent of this Policy to provide additional or different provisions than those specified in the Act and its implementing regulations.

Employee Eligibility

An employee is eligible for Family or Medical Leave if the employee has been employed for the past twelve months and has worked at least 900 hours during the prior twelve months. Time spent by an employee fulfilling military service obligations (National Service or Reserves) is counted in meeting hours of employment.

Qualifying Events

Family medical leave shall be provided:

1. For birth of a son or daughter, and to care for the newborn child,
2. For placement with the employee of a son or daughter for adoption or foster care,
3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition,
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee’s job,
5. Because of any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) and
6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member in support of a contingency operation.

Leave Time Available

The Nashua School District recognizes that eligible employees have access to unpaid, job protected family and medical leave for up to twelve (12) weeks during a specified twelve (12) month period. The specified twelve (12) month period as provided for by FMLA is the “rolling” 12-month period measured backward from the date the employee uses any FMLA leave.

Concurrency and Use of Leave Time

FMLA shall occur concurrently with any paid or unpaid leave granted pursuant to any collective bargaining agreement or Board approved leave policy. The District requires an employee to use accrued leave time, including sick, vacation, personal, compensatory or time approved from the Sick Bank consistent with the applicable collective bargaining agreement or School District approved policy.

Additional District Required Documentation and Procedures

The District requires medical certification from a health care provider using the respective Department of Labor forms. The District may deny FMLA leave if the applicable form is incomplete or the information provided is insufficient.

Posting Notice

The District shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning the enforcement of the Act.

Legal Reference:

RSA-189:73; Family and Medical Leave Coverage

***Legal References Disclaimer:** These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Board Approved: 09/12/2011
 03/27/2023