

Addendum to FMLA Policy:

Special provisions for FMLA Servicemember Family Leave

(a) An eligible employee of the District may take up to twelve (12) workweeks of FMLA leave measured backward for each employee from the first time such employee uses leave under FMLA, without pay, because of any qualifying exigency, as the U.S. Secretary of Labor shall by regulation determine, arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

(b) “qualifying exigency” is defined by the Department of Labor by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

(c) An eligible employee of the District may take up to twenty-six (26) workweeks of FMLA to care for a covered servicemember who is the spouse, son, daughter, parent, or next of kin of a covered servicemember. A “covered service member” is 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. The leave described to care for a covered service member shall only be available during a single twelve (12) month period.

(d) The aggregate number of workweeks of leave to which both the husband

and wife working for the District may be entitled under covered servicemember family leave combined with leave as described in paragraph Q(a), above, shall be limited to twenty-six (26) workweeks during only one (1) twelve (12)-month period.

(e) An employee must provide at least thirty (30) days notice before FMLA Servicemember Family Leave is to begin if the need for the leave is foreseeable. When thirty (30) notice is not practicable, notice must be given as soon as practicable.

(f) Certification of active military duty or call to active duty in support of a contingency operation for purpose of receiving FMLA Servicemember Family Leave shall be required under the same conditions as FMLA certification for other FMLA leave. In the case of continuation, recurrence, or onset of a serious health condition of the covered servicemember being cared for by an employee and the employee is unable to return to work, certification issued by the health care provider of the servicemember with the serious health condition shall be required to support the inability of the employee to return to work.

(g) All other provisions of the FMLA policy shall apply to the FMLA Servicemember Family Leave.