



Leave of Absence - David Douglas School District

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Notice of Employee Rights and Responsibility FMLA/OFLA Leave

If your leave qualifies for FMLA and/or OFLA leave, you will have the following rights and responsibilities:

Leave Entitlement: Effective the first day of your leave, time taken under the protected leave laws is counted against your leave entitlement. Generally you are entitled to 12 workweeks of protected leave in a rolling 12-month period. The rolling 12-month period is measured backward from the date of any protected leave usage.

Paid Leave: Per your applicable Collective Bargaining Agreement, you may use any paid leave you have available to use during your FMLA/OFLA leave.

Benefits:

- **Approved FMLA/OFLA:** The District will continue to provide your fringe cap benefit. Your medical, dental, vision insurance coverage will continue, provided you continue to contribute your portion of your premiums. This means that premiums will be deducted through normal payroll deduction when available. An employee who is on unpaid leave while on FMLA and/or OFLA will be responsible for any premiums that your fringe cap does not cover (out-of-pocket premiums). Employee-paid optional benefit premiums may also be continued when the employee self-pays directly to the insurer.
- **Denied FMLA/OFLA:** If your FMLA/OFLA leave is denied, your medical, dental, and vision insurances may continue **only** for as long as you have paid leave. If you go into an unpaid status, you will be offered COBRA to continue coverage.

Medical Certification: In order to determine whether an employee's absence qualifies for protected leave under the FMLA and/or OFLA leave laws, in most cases you will be required to provide a medical certification from a qualified health care provider within 15 calendar days of the first date of leave. It is the employee's responsibility to ensure a complete and sufficient medical certification is returned to the Leave Coordinator within that timeframe.

While on approved FMLA and/or OFLA leave, you may be required to furnish additional medical certification if requested by the Leave Coordinator. The interval between re-certifying will not be less than 30 days, unless the circumstances of your leave have changed significantly.

Failure to provide a complete and sufficient medical certification may result in your leave being denied. Denied FMLA and/or OFLA is not protected under the law and the District may apply any applicable policies.

Periodic Check In: While on leave, you are required to check in with the Leave Coordinator. You should provide information such as your status, any change in circumstances, and if out for a continuous block of time, your intent to return to work.

Status Change: You are required to notify the Leave Coordinator if the status of your leave requirements changes. Status changes may include, but are not limited to a need for continuous leave while on approved intermittent leave or vice versa, a need for more intermittent leave than the amount currently

approved for; or a need for leave beyond the current approved end date. If you are on approved leave and no longer require time off for the approved reason, please contact the Leave Coordinator to close your leave.

Leave Reporting:

- **Continuous:** When you are out for **more than three days**, you must:
 - Notify your supervisor and the Leave Coordinator of when your leave will start and how long it will tentatively last.
 - Report to the Leave Coordinator how you want your paid leaves to be used.
- **Intermittent:** When you need to miss time periodically, you must:
 - Notify your supervisor and the Leave Coordinator each time you need to be absent and how long it will last.
 - Record your absence in your appropriate timekeeping system.

Please refer to the FMLA/OFLA Intermittent Reporting Guides on the Human Resource page under Leave of Absence.

Return to Work: If the status of your situation changes and you do not anticipate returning on your schedule return date, you are expected to notify your supervisor and the Leave Coordinator. Any additional leave must be pre-approved. When you return, you must be able to carry out the essential functions of your position either with or without an accommodation. Please note that in some positions, accommodations may not be offered due to the nature of the job.

Reinstatement Rights: Upon returning from protected leave, you have the following reinstatement rights:

- **FMLA:** You must be reinstated to either the same position held when the leave began or to an equivalent position. An equivalent position is one that is virtually the same as the employee's former position in terms of pay, benefits, and working conditions and must involve the same of substantially similar ties and responsibilities.
- **OFLA:** You must be reinstated to the position held when you began your leave.

If you remain on leave after exhausting your protected leave entitlement under FMLA and/or OFLA, you will not have the reinstatement rights outlined above.