



**Official Policy  
of  
Ogden Preparatory Academy**

**6. Human Resources**

**6.18.POL Family Medical Leave (FMLA) Policy**

**Effective/Revision Date:** 11/09/2023

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Ogden Preparatory Academy (OPA) shall adhere to the requirements as set forth in the US Family Medical Leave Act (FMLA).

An eligible employee, or an eligible employee's designee, may request in writing an unpaid leave of absence of up to 12 calendar weeks during a 12 month period. Leave shall be calculated using the rolling year method. Actual allowable hours of leave shall be based on average daily hours in employment agreement. Actual used hours shall be calculated based on scheduled work hours in the school calendar. During the FMLA period, OPA shall continue to pay its portion of applicable benefits and/or premiums. The employee must continue to pay his/her portion of any insurance premiums.

**Salary and Personal Time Off (PTO) Hours:** the employee may elect to use their available PTO hours during the FMLA Leave. Any leave taken beyond the extent of PTO hours shall be unpaid. FMLA leave supported by PTO hours shall be included in the allowable leave period.

**Eligible Employee:** By law, an employee who has worked for OPA for at least 1,250 hours in the previous 12 month period is eligible. Hours worked do not include any time off, paid or unpaid.

**Eligible Reasons:**

- for the birth and care of the newborn child of an employee\*\*,
  - Leave must conclude within 12 months of the birth;
  - Leave must be in a single block of time;
- for placement with the employee of a child for adoption or foster care\*\*,
  - Leave must conclude within 12 months of the placement;
  - Leave must be in a single block of time;
- to care for an immediate family member (spouse, child, or parent, but not a parent-in-law) with a serious health condition\*; or
- to take medical leave when the employee is unable to work because of a serious health condition\*.

\*Employees must provide medical certification within 15 days verifying a serious health condition of the employee, spouse, parent or child if requesting FMLA for this purpose.  
\*\*When an employee and spouse are both employed by the school, both individuals, together, shall be limited to a combined total of 12 calendar weeks of leave in the event of the birth or adoption in a single fiscal year.

If an employee meets all the eligibility requirements above but has not been employed for at least 12 months, the school shall hold the employee's job provided the employee is in good standing. Employees who have had a documented disciplinary event or who are on a plan of improvement are ineligible.

Employees shall be subject to all absence requirements as set forth in the policies and procedures of Ogden Preparatory Academy including completion of forms, notice requirements, and providing substitute lesson plans as necessary.

An employee must reimburse OPA for all monies paid to the employee or benefit premiums paid on behalf of the employee during the FMLA period if the following occurs:

- The employee fails to return to work for 30 calendar days following the FMLA leave, unless failure to return to work is because of a serious health condition certified by a medical doctor or for circumstances beyond the employee's control.
- The employee is terminated for failure to meet agreement requirements within 45 days following the FMLA period.

If requesting intermittent leave (must be medically necessary as certified by a healthcare provider), employees must have a leave schedule approved by administration.

In cases where an agreement can be made for services, an employee may continue benefits during an unpaid FMLA leave beyond 12 weeks. Services must be valued at the cost of the benefits received and must be agreed upon by administration.

### Document History

Approved: 06/13/2018

Revised: 10/24/2019 *updated to match FMLA law.*

Revised: 11/09/2023 *updated to include provisions for employees who have been employed fewer than 12 months.*

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Legal References

29 CFR Part 825 The Family and Medical Leave Act

[Fact Sheet #28L: Leave under the Family and Medical Leave Act for Spouses Working for the Same Employer](#)