

General Personnel

Administrative Procedure - Resource Guide for Family and Medical Leave

School Code

105 ILCS 5/24-6.4; ~~added by P.A. 102-335~~ (mandates a lower 1,000 hour threshold for FMLA eligibility rather than 1,250 hours).

Web-Online Resources

Compilation of resources from the U.S. Dept. of Labor (DOL), Wage & Hour Division
www.dol.gov/whd/fmla

Revised FMLA Poster

www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf

Certification of Health Care Provider for Employee's Serious Health Condition

www.dol.gov/whd/forms/WH-380-E.pdf

Note: Consult the Board Attorney to ensure that: (1) the District is using the most recent version of the DOL's FMLA notification and certification forms, (2) Genetic Information Nondiscrimination Act (GINA) safe harbor protections are adequately customized into these forms (the DOL did not include in its forms the specific instructions included in GINA's sample safe harbor provision), and (3) both federal and State law requirements are met.

Certification of Health Care Provider for Family Member's Serious Health Condition

www.dol.gov/whd/forms/WH-380-F.pdf

See Note above.

Notice of Eligibility and Rights & Responsibilities

www.dol.gov/whd/forms/WH-381.pdf

Designation Notice

www.dol.gov/whd/forms/WH-382.pdf

Certification of Qualifying Exigency For Military Family Leave (PDF)

www.dol.gov/whd/forms/WH-384.pdf

Certification for Serious Injury or Illness of a ~~Covered Current~~ Servicemember -- for Military ~~Family~~ Caregiver Leave

www.dol.gov/whd/forms/WH-385.pdf

Fact Sheet #28 (Non-Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28.htm

Fact Sheet #28A (Military) (PDF)

www.dol.gov/whd/regs/compliance/whdfs28a.htm

Field Assistance Bulletin No. 2022-02 - Protecting Workers from Retaliation

www.dol.gov/sites/dolgov/files/WHd/fab/fab-2022-2.pdf

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Formatted: IASB Italic

Department of Labor Rules

29 C.F.R. Part 825,

www.ecfr.gov/current/title-29/subtitle-B/chapter-V/subchapter-C/part-825?toc=1http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title29/29ecfr825_main_02.tpl

Subpart A—Coverage Under the Family and Medical Leave Act §825.100

§825.100	The Family and Medical Leave Act
§825.101	Purpose of the Act
§825.102	Definitions
§825.103	[Reserved]
§825.104	Covered employer
§825.105	Counting employees for determining coverage
§825.106	Joint employer coverage
§825.107	Successor in interest coverage
§825.108	Public agency coverage
§825.109	Federal agency coverage
§825.110	Eligible employees
§825.111	Determining whether 50 employees are employed within 75 miles
§825.112	Qualifying reasons for leave, general rule
§825.113	Serious health condition
§825.114	Inpatient care
§825.115	Continuing treatment
§§825.116-118	[Reserved]
§825.119	Leave for treatment of substance abuse
§825.120	Leave for pregnancy or birth
§825.121	Leave for adoption or foster care
§825.122	Definitions of covered servicemember, spouse, parent, son or daughter, next of kin of a covered servicemember, adoption, foster care, son or daughter on active duty or call to covered active duty status, son or daughter of a covered servicemember, and parent of a covered servicemember
§825.123	Unable to perform the functions of the position
§825.124	Needed to care for a family member or covered servicemember
§825.125	Definition of health care provider
§825.126	Leave because of a qualifying exigency

Commented [MM1]: Note to Subscribers: We are recommending deleting this listing of the regulations because the reader is directly given the link above to the most current version of the regulations.

~~§825.127 Leave to care for a covered servicemember with a serious injury or illness (military caregiver leave)~~

~~Subpart B—Employee Leave Entitlements Under the Family and Medical Leave Act~~

~~§825.200 Amount of leave~~
~~§825.201 Leave to care for a parent~~
~~§825.202 Intermittent leave or reduced leave schedule~~
~~§825.203 Scheduling of intermittent or reduced schedule leave~~
~~§825.204 Transfer of an employee to an alternative position during intermittent leave or reduced schedule leave~~
~~§825.205 Increments of FMLA leave for intermittent or reduced schedule leave~~
~~§825.206 Interaction with the FLSA~~
~~§825.207 Substitution of paid leave~~
~~§825.208 [Reserved]~~
~~§825.209 Maintenance of employee benefits~~
~~§825.210 Employee payment of group health benefit premiums~~
~~§825.211 Maintenance of benefits under multi-employer health plans~~
~~§825.212 Employee failure to pay health plan premium payments~~
~~§825.213 Employer recovery of benefit costs~~
~~§825.214 Employee right to reinstatement~~
~~§825.215 Equivalent position~~
~~§825.216 Limitations on an employee's right to reinstatement~~
~~§825.217 Key employee, general rule~~
~~§825.218 Substantial and grievous economic injury~~
~~§825.219 Rights of a key employee~~
~~§825.220 Protection for employees who request leave or otherwise assert FMLA rights~~

~~Subpart C—Employee and Employer Rights and Obligations Under the Act~~

~~§825.300 Employer notice requirements~~
~~§825.301 Designation of FMLA leave~~
~~§825.302 Employee notice requirements for foreseeable FMLA leave~~
~~§825.303 Employee notice requirements for unforeseeable FMLA leave~~
~~§825.304 Employee failure to provide notice~~
~~§825.305 Certification, general rule~~

§825.306	Content of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member
§825.307	Authentication and clarification of medical certification for leave taken because of an employee's own serious health condition or the serious health condition of a family member; second and third opinions
§825.308	Recertifications for leave taken because of an employee's own serious health condition or the serious health condition of a family member
§825.309	Certification for leave taken because of a qualifying exigency
§825.310	Certification for leave taken to care for a covered servicemember (military caregiver leave)
§825.311	Intent to return to work
§825.312	Fitness for duty certification
§825.313	Failure to provide certification
Subpart D—Enforcement Mechanisms	
§825.400	Enforcement, general rules
§825.401	Filing a complaint with the Federal Government
§825.402	Violations of the posting requirement
§825.403	Appealing the assessment of a penalty for willful violation of the posting requirement
§825.404	Consequences for an employer when not paying the penalty assessment after a final order is issued
Subpart E—Recordkeeping Requirements	
§825.500	Recordkeeping requirements
Subpart F—Special Rules Applicable to Employees of Schools	
§825.600	Special rules for school employees, definitions
§825.601	Special rules for school employees, limitations on intermittent leave
§825.602	Special rules for school employees, limitations on leave near the end of an academic term
§825.603	Special rules for school employees, duration of FMLA leave
§825.604	Special rules for school employees, restoration to an equivalent position
Subpart G—Effect of Other Laws, Employer Practices, and Collective Bargaining Agreements on Employee Rights Under FMLA	
§825.700	Interaction with employer's policies
§825.701	Interaction with State laws
§825.702	Interaction with Federal and State anti-discrimination laws

DRAFT