

1 **4011.1**
2 **Nebraska Family Military Leave Act**
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4 The school district shall provide leave to its employees in accordance with the
5 Nebraska Family Military Leave Act (NFMLA). The terms used herein shall
6 have the meaning ascribed to them under the NFMLA. Employees may also
7 qualify for leave under the Family and Medical Leave Act (FMLA), which is
8 detailed in the district's FMLA policy. If an employee qualifies for leave under
9 both the FMLA and NFMLA, any leave taken by the employee will count
10 concurrently toward the leave limits of both.

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12 **I. Qualifying for Leave**

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14 A. Qualified Employees

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16 To be eligible for unpaid leave under the NFMLA, an
17 employee must:

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19 1. Have been working for the school district for at least
20 12 months prior to the request; and
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22 2. Have worked a minimum of 1,250 hours during the
23 12-month period immediately preceding the
24 commencement of the leave.
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26 B. Qualified Circumstances for Requesting Leave

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28 The school district will grant a qualified employee up to a
29 total of 30 days of unpaid leave if:

- 30
31 1. The employee is the spouse or parent of a person
32 called to military service lasting 179 days or longer
33 with the state or United States pursuant to orders of
34 the Governor or the President of the United States
35 and;
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37 2. The leave is scheduled to be taken during the time
38 federal or state deployment orders are in effect.
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41 C. Qualifying Notice and Certification

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43 Employees seeking to use the NFMLA will be required to
44 provide:

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46 a. A consultation with the District to schedule leave
47 so as not to unduly disrupt the operations of the
48 school.
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50 b. Certification from the proper military authority
51 to verify the employee's eligibility for the family
52 military leave requested.
53
54 c. 14-day advance notice of the intended date
55 upon which the leave will begin, if leave will
56 consist of five or more work days.
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58 d. As much advance notice as possible of the
59 intended date upon which the leave will
60 commence, if leave will consist of less than five
61 work days.
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63 **II. Relationship with District During Leave**

64 A. Leave to Be Unpaid

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66 All leave provided to employees under the provisions of the
67 NFMLA and this policy shall be unpaid leave.
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69 B. Benefits

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72 1. Taking leave under the NFMLA shall not result in the
73 loss of any employee benefit accrued before the date
74 on which the leave commenced.
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76 2. Any employee who takes leave under the NFMLA will
77 be permitted to continue their benefits at their own
78 expense.
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80 3. Payment for benefits must be made to the district in
81 advance of the date on which they are due. For
82 example, if health insurance premiums are paid to the
83 carrier by the district on the 1st of the month, the
84 employee taking leave under the NFMLA must provide

85 the full cost of the premium to the district prior to that
86 date. Failure to provide the full costs for all benefits
87 the employee wishes to continue in advance of their
88 due date may result in cancellation of benefits as
89 permitted by law.

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91 **III. Return from Leave**

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93 A. Restoration to Position

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95 1. Any employee who exercises the right to leave under
96 the NFMLA shall be restored by the district to the
97 position held by the employee when the leave
98 commenced or to a position with equivalent seniority
99 status, employee benefits, pay, and other terms and
100 conditions of employment.
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102 2. This section does not apply if the district proves that
103 the employee was not restored because of conditions
104 unrelated to the employee's exercise of rights under
105 the NFMLA.

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107 B. Failure to Return

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109 If an employee fails to return after the period of leave to
110 which the employee is entitled has expired, and no
111 additional qualifications for leave exist, the employee will be
112 subject to the district's policies governing unexcused
113 absences up to and including termination of employment.

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