



Family Medical Leave Act Guidelines

Effective June 22, 2023

To align with the State of South Dakota's Executive Branch, the South Dakota Board of Regents will provide paid Family and Medical Leave Act (FMLA) leave according to the guidelines outlined in this document and in BOR Policy 4:15 – Medical Leave and Leaves of Absence.

Paid Family Medical Leave (PFML) is a new benefit that provides eligible employees with paid leave for up to twelve (12) weeks for certain qualifying FMLA events. This benefit provides employees with peace of mind and financial security during life's most challenging times.

Paid Family Leave (PFL) provides eligible state employees with paid leave following the birth or placement of a child for adoption. PFL provides parents with the means to spend critical bonding time with their child. PFL does not deplete an employee's accrued sick or vacation leave.

Paid Family Medical Leave

Employee Eligibility Requirements for Paid Family Medical Leave (PFML)

1. Employees who have worked for the SD Board of Regents for a year or more,
2. Have worked 1,250 hours in the proceeding 12-month period,
3. Have 80 or fewer hours of accrued sick leave; and,
4. Have a qualifying PFMLA event that occurs on or after June 22, 2023

Qualifying for Paid Family Medical Leave

Paid Family Medical Leave is a benefit for employees who have been approved for FMLA leave and meets the following criteria:

1. Have an FMLA qualifying event, except for the birth or placement for adoption and foster care.
2. Have 80 or less hours of accrued sick leave; **and,**
3. Have being absent for three (3) full, consecutive, scheduled working days due to the FMLA qualifying event.

Paid Family Medical Leave Guidelines

1. PFMLA **cannot** be used for intermittent FMLA, it is only available for employees after being absent for three (3) full, consecutive, scheduled, working days due to a qualifying FMLA event.
 - a. The three (3) days requirement must be met for each subsequent absence for the same FMLA qualifying reason.
2. Sick and vacation leave will continue to accrue while on PFML, but once an employee falls below the 80-hour threshold and is on a continuous leave status, the employee will continue to receive PFML even if the accrued sick leave balance exceeds 80 hours.
3. Overtime exempt employees are required to take leave in full-day increments in accordance with their working schedule, if the employee has a balance of less than 88 hours, the employee will still be required to use eight (8) hours of leave to meet the eligibility requirements.
4. PFML is contingent only upon the employee's accrued sick leave balance, the employee will not be required to utilize accrued vacation leave.
5. Leave for the purpose of bonding following the birth or placement of a child for adoption is covered under the Paid Family Leave (PFL) program.
 - a. Placement of a foster child does not qualify for PFML or PFL.
6. PFML leave runs concurrently with FMLA requirements, employees are not guaranteed protected job status, nor will they receive PFML beyond 12 weeks.
7. Employees are required to submit appropriate FMLA forms and documentation to the office of human resources in accordance with established practices.
8. Employees will record PFML in the monthly timesheet with the appropriate Paid FMLA earning type.

FMLA Leave for Placement of Foster Child

1. The placement of a child in foster care is an FMLA qualifying event, however, is not covered under the PFL or PFML.
2. Employees who have a child placed for foster care may be required to utilize accrued sick leave, vacation leave following the placement, once the employee has exhausted accrued leave, then the time may be taken as FMLA Leave Without Pay.