

# **FAMILY AND MEDICAL LEAVE ACT**

The Family and Medical Leave Act of 1993 (FMLA) is a federal law enacted to help employees balance work responsibilities and family and medical needs. FMLA provides employees the opportunity to take temporary leave from their jobs to attend to certain family responsibilities or their own serious health conditions. The Library has adopted this policy in accordance with FMLA.

Please note that this policy only serves to outline FMLA as it pertains to the Library but is not intended to be a complete interpretation of the law. The Library shall adhere to all of the tenets set forth in FMLA as they appear in this policy or otherwise.

## **Eligibility Requirements for FMLA Leave**

An employee is eligible for FMLA leave if said employee has been employed by the Library for at least twelve (12) months (52 weeks) and has worked at least 1,250 hours during the twelve month period immediately preceding the commencement of FMLA leave.

## **Types of Leave Covered Under FMLA**

To qualify as FMLA leave an employee must request leave for one of the following reasons:

- The birth of a child and/or the care of a newborn child.
- The placement of a child with the employee for foster care or adoption.
- To care for a spouse, son, daughter, or parent with a serious health condition.
- The employee's own serious health condition. "Serious health condition" includes an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider. The Library reserves the right to request from the employee a medical certification to substantiate the serious health condition.

## **Length of FMLA Leave**

The Library shall afford an eligible employee up to twelve workweeks of FMLA leave during a 'rolling' twelve month period, measured backward from the date an employee last used any FMLA leave.

## **FMLA Unpaid Leave**

The Library shall grant FMLA leave on an unpaid basis. However the employee must use accrued vacation, sick, or personal leave under the following circumstances:

- Accrued vacation and personal time must be used during FMLA leave.
- Accrued sick time must be used during FMLA if the leave is granted for care of the employee's own illness or for the care of the employee's parent, spouse, or child.
- Where eligible, the employee may also receive compensation under Library employee insurance plans such as disability insurance, workers' compensation insurance, etc., while on FMLA leave.

## **FAMILY AND MEDICAL LEAVE ACT (continued)**

### **Intermittent FMLA Leave**

Under most circumstances, FMLA leave for adoption, foster care placement, or the birth of a child may not be taken intermittently or on a reduced schedule.

FMLA leave for a serious health condition may be taken intermittently (in blocks of time due to a single serious health condition) or on a reduced schedule (reducing the number of hours normally worked during the workweek or workday) if medically necessary. Pay will be proportionately adjusted for employees working on a reduced schedule. Further, the Library reserves the right to temporarily transfer employees working intermittently or a reduced schedule to positions which better accommodate the circumstance. Transferred employees will receive the same pay and benefits level as their normal job.

### **Requesting FMLA Leave**

Employees must make all leave requests in writing to the Library Director.

Employees must provide at least thirty (30) days notice when the leave is foreseeable, such as for the expected birth or adoption of a child. When thirty (30) days notice is not possible, the employee is required to provide as much notice as possible.

The Library shall designate the leave as FMLA-qualifying and notify the employee of that designation within two (2) business days from the date the employee gives the Library Director notice for the need for leave.

### **Reporting While on Leave**

The Library reserves the right to receive periodic status reports from the employee as to the status of the leave and the employee's intention to return to work.

### **Employee Benefits While on FMLA Leave**

During approved FMLA leave the employee shall maintain health insurance coverage at the same level and under the same conditions that would have been provided had the employee not taken leave. The employee will be responsible for his/her share of health insurance premiums during leave. The Library reserves the right to require employees to repay the employer's share of health insurance premiums if the employee does not return from leave for reasons other than a continuation, recurrence, or onset of a serious health condition or other circumstance beyond the employee's control.

Employees shall accumulate seniority, sick, vacation, and personal time while on leave and when receiving pay for accrued time. Employees shall not accumulate seniority, sick, vacation, and personal time while on leave with no pay from the Library.

### **Return from FMLA Leave**

The Library shall require employees who were on leave due to their own serious health condition to furnish a statement from their medical professional stating that they are fit to return to work and can perform the essential functions of their positions.

With certain exceptions, the Library shall make available to the returning employee the same position as when the employee went on leave or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Latest Revision: June 26, 2006

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