

4.10 FAMILY MEDICAL LEAVE

This policy contains information consistent with and in addition to the information contained in the “Employee Rights and Responsibilities” notice (found on the previous page) and is meant to provide additional information about the Library District’s specific policies and procedures under the Family and Medical Leave Act (FMLA). In the event of any conflict between the “Employee Rights and Responsibilities” notice and this policy, the “Employee Rights and Responsibilities” notice will prevail.

Basic Leave Entitlement

An employee may be eligible to take up to 12 weeks of unpaid family/medical leave within a 12-month period and be restored to the same or an equivalent position upon return provided that the employee has been employed by the Library District for at least 12 months AND has worked for at least 1,250 hours during the 12-month period preceding the leave AND at least 50 employees are employed by the Library District within 75 miles of the employee’s work location

The 12-month period in which the 12-week leave entitlement occurs shall be a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Thus, each time an eligible employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Reasons for Leave

Eligible employees are entitled up to a maximum of 12 workweeks of unpaid leave during any 12-month period for one or more of the following:

- A. Because of the birth of a son or daughter of the employee.
- B. Because of the placement of a son or daughter with the employee for adoption or foster care.
- C. In order to care for the spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- D. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

Leave because of reasons A and B above must be completed within the 12-month period beginning on the date of birth or placement. Spouses employed by the Library District who request leave because of reasons A or B or to care for the employee’s parent with a serious health condition may only take a combined aggregate total of 12 weeks leave for such purposes during any 12-month period.

Military Family Leave Entitlement

If an employee is eligible, the employee may use the 12-week FMLA leave entitlement to take military family leave. This leave may be used to address certain qualifying exigencies related to the covered active duty or call to covered active duty of a spouse, son, daughter or parent. Qualifying exigencies may include: (1) attending certain military events; (2) arranging for

alternative childcare; (3) addressing certain financial and legal arrangements; (4) attending certain counseling sessions; (5) addressing issues related to short-notice deployment; (6) spending time with a covered family member who is resting and recuperating; (7) attending post-deployment briefings; and (8) for certain activities relating to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.

An employee may also be eligible for up to 26 weeks of leave to care for a covered service member during a single 12-month period. *This single 12-month period begins with the first day the employee takes the leave.* A covered service member includes: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a covered veteran, meaning one who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and: (i) was a member of the Armed Forces (including a member of the National Guard or Reserves); and (ii) was terminated or released under conditions other than dishonorable within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.

Improper Use of Leave

An employee may not be granted a FMLA leave to gain employment or work elsewhere, including self-employment. If an employee misrepresents facts in order to be granted an FMLA leave, the employee may be subject to immediate termination.

Notice of Leave

If the FMLA leave is foreseeable, the employee must give the Library District at least 30 days' notice in accordance with the usual procedure for requesting a leave of absence. Failure to provide such notice may be grounds for delay of the leave. Where the need for leave is not foreseeable, the employee is expected to notify the Library District as soon as practicable and, absent unusual circumstances, in accordance with the Library District's normal leave procedures as detailed in the Absence Reporting Policy and the Personal Leave of Absence Policy. When the leave is needed for planned medical treatment, employees must attempt to schedule treatment so as not to unduly disrupt the Library District's operations.

Medical Certification—Leave for Employee's Own or a Covered Family Member's Serious Health Condition

If the employee is requesting leave because of the employee's own or a family member's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. The medical certification must be provided within 15 days after it is requested, or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The Library District, at its expense, may require an examination by a second health care provider designated by the Library District, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, the Library District, at its expense, may require a third, mutually agreeable health care provider to conduct an examination and provide a final and binding opinion. The Library District may also require medical recertification periodically during the

leave, and employees may be required to present a fitness-for-duty verification upon their return to work following a leave for the employee's own medical condition specifying that the employee is fit to perform the essential functions of the job.

Certification for a Qualifying Exigency

If the employee is requesting leave because of a qualifying exigency arising out of a covered family member's active duty or call to active duty, the employee must supply a copy of the covered military family member's active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or call to active duty (including the dates of the active duty service). The Library District may also request additional information pertaining to the leave.

Certification for Service member Family Leave

If an employee is requesting leave because of the need to care for a covered service member with a serious injury or illness, the Library District may require the employee to supply certification completed by an authorized health care provider of the covered service member. In addition, the Library District may also request additional information pertaining to the leave.

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave

If an employee is requesting leave because of the need to care for a covered veteran with a serious injury or illness, the Library District may require the employee to supply certification completed by an authorized health care provider of the covered veteran. In addition, the Library District may request additional information pertaining to the leave.

Substitution of Paid Leave

FMLA leave is unpaid leave. If an employee requests leave for any FMLA-covered reason, the employee will be required to exhaust all available vacation and personal time, and, when leave is taken due to the employee's or employee's family member's serious health condition, all available sick days. The exhaustion of this paid leave does not extend the leave period. In addition, if an employee is eligible for any additional paid leaves, such as short term/long term disability or workers' compensation, these leaves will also run concurrently with FMLA leave (where appropriate) and will not extend the leave period. When using paid leave in conjunction with FMLA leave, an employee must comply with the requirements of the applicable paid leave policy.

Benefits During Leave

During an approved FMLA leave, the Library District will maintain the employee's health benefits as if the employee continued to remain actively employed, but the employee must continue to pay his or her share of the premium. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee may be required to reimburse the Library District for payment of health insurance premiums during the FMLA leave.

During the unpaid portions of FMLA leave, the employee will not accrue employment benefits, such as vacation pay, sick pay, and personal pay, etc. Employment benefits accrued by the employee up

to the day on which the unpaid FMLA leave begins will not be lost. Also during the unpaid portions of FMLA leave, the employee will not receive pay for holidays during the leave.

Intermittent Leave/Reduced Schedule Leave

In the case of unpaid leaves for serious health conditions, to care for a service member with a serious injury or illness, or because of a qualifying exigency, the leave may be taken intermittently (in separate blocks of time due to a single qualifying reason or health condition) or on a reduced hours basis if necessary. If intermittent or reduced hours leave is required for planned medical treatment, the Library District may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave. If leave is unpaid, the Library District will reduce the employee's salary based on the amount of time actually worked. A fitness-for-duty certification may be required to return from an intermittent absence if reasonable safety concerns exist concerning the employee's ability to perform his or her job duties.

Job Restoration

An employee who returns to work from an approved FMLA leave of absence is entitled to return to his or her job or an equivalent position without loss of benefits or pay. An employee who took leave because of his or her own serious health condition who wishes to return to work from FMLA leave may be required to present a fitness-for-duty release by a doctor prior to being restored to employment. An employee who fails to provide the certification will not be permitted to resume work until it is provided.

*Adopted by the Niles Public Library District Board of Trustees 7.1.92
Revised 4.20.94; 6.19.96; 8.20.08; 12.14.16*