

FAMILY AND MEDICAL LEAVE ACT (FMLA) PROCEDURE

PURPOSE

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.

APPLICATION

This procedure shall apply to all administrators regardless of their location.

DEFINITION

Unpaid leave must be granted for any of the following reasons:

- Φ to care for the employee's child after birth, or placement for adoption or foster care;
- Φ to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- Φ for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

RESPONSIBILITIES

- 1.0 Employees
 - 1.1 The employee will be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.
 - 1.2 The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable.
 - 1.3 An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work .
 - 1.4 Employees will contact the Staff and Organizational Development department to request the appropriate FMLA forms, complete the forms, and obtain supervisor's signature, and forward forms back to Staff and Organizational Development.
 - 1.5 Employees will submit all paperwork pertaining to medical certification, fitness for duty, limitations, restrictions, etc. directly to the Staff and Organizational Development Department.

RESPONSIBILITIES (continued)

- 2.0 Administrators
 - 2.1 The administrator will assist their employees with meeting their responsibilities as aforementioned.
 - 2.2 In such cases where the employee cannot provide thirty (30) days advance notice, it is the administrator's responsibility to notify the Staff and Organizational Development department of their employee's need for FMLA paperwork.
 - 2.3 The administrator will notify the Staff and Organizational Development department of all incidents where their employee(s) has missed three consecutive days for reasons stated under *DEFINITIONS*.
 - 2.4 The administrator will direct staff to forward all documentation regarding their employee's medical condition to the Staff and Organizational Development department.

- 3.0 Staff and Organizational Development
 - 3.1 Will forward FMLA paperwork to employees as requested.
 - 3.2 Will forward FMLA paperwork to any employee that has missed three consecutive days of work due to any reasons stated under *DEFINITIONS*.
 - 3.3 Notify the payroll department of employees expected to be out on FMLA for tracking purposes.
 - 3.4 Maintain medical files in accordance with HIPAA rules.
 - 3.5 Assure FMLA benefits are coordinated with other benefits provided through policy, master agreement, or workers' compensation.

JOB BENEFITS AND PROTECTION:

- Φ For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan".
- Φ Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- Φ The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- Φ FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA; and to discharge or discriminate against any person or opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

DISTRIBUTION

This procedure is to be communicated to all administrators and bargaining unit representatives via the appropriate organizational chain of command.