



Clinton-Essex-Franklin Library System

Family and Medical Leave Act (FMLA) Policy

Adopted by the Board of Trustees

September 22, 2014

Applied to CEFLS Employees

Clinton Essex Franklin Library System (“CEFLS”) is committed to providing employees with leaves of absence in compliance with the Family and Medical Leave Act of 1993, as amended (“FMLA”). This policy is intended to be construed in compliance with the FMLA but is not intended to provide greater rights than the FMLA provides.

Employee Eligibility, Leave Entitlement, and Job Restoration

Employees who have been employed by the CEFLS for at least twelve (12) months and who have worked at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave per rolling twelve-month period. This twelve-month period is measured backward from the date on which the employee uses any family and medical leave (“FMLA leave”).

FMLA leave is available for the following reasons:

1. In order to care for a child following the child’s birth, adoption, or placement in foster care with the employee.
2. To provide needed care for the employee’s spouse, child (including a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or incapable of self-care because of a mental or physical disability) or parent (including a step or foster parent) who has a serious health condition; and
3. The employee’s own serious health condition which renders the employee unable to perform the functions of his or her position.

In the case of FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis if such leave is medically necessary. If the need for intermittent or reduced hours leave is foreseeable based on planned medical treatment, the employee must schedule the treatment in a manner that does not unduly disrupt CEFLS’

operations. Also, if intermittent or reduced hours leave is required, CEFLS may temporarily transfer the employee to another position with the equivalent pay and benefits that better accommodates such leave.

In the case of an FMLA leave for the birth or placement of a child, intermittent or reduced hours leave cannot be taken without the approval of the CEFLS Director. If both spouses are employed by CEFLS, the combined FMLA leave for the birth or placement of a child, or to care for a parent who has a serious health condition, shall not exceed twelve (12) weeks.

Employees who return to work from an FMLA leave within their maximum twelve (12) weeks per rolling twelve-month period will be reinstated to their former position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed by CEFLS during the FMLA leave period. Therefore, if changes in CEFLS business occur during an employee's FMLA leave and the employee would have been terminated, laid off or reassigned had he or she been on active status, the employee is not guaranteed reinstatement.

Military Family Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve-week FMLA leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Leave for a qualifying exigency may be taken on an intermittent basis.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty six (26) weeks of leave to care for a covered service member during a single twelve-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty, that may render the service member medically unfit to perform his or her duties, and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This leave may be taken intermittently if medically necessary. Although an employee may use up to twenty six (26) weeks of leave to care for a covered service member, an employee that takes leave to care for a covered service member is nonetheless limited to an aggregate total of twenty (26) weeks of leave in a twelve-month period for all types of FMLA leave.

Notice and Certification

Requests for FMLA leave should be submitted in writing to the CEFLS Director. Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible the employee must provide notice as soon as practicable and generally must comply with CEFLS' normal call-in procedures. Employees taking intermittent leave must comply with CEFLS' normal call-in procedures.

After receiving a request for FMLA leave, CEFLS will inform you whether you are eligible under the FMLA. If you are eligible, CEFLS will inform you about any additional information you must provide to qualify for FMLA leave as well as your rights and responsibilities concerning FMLA leave. If you are not eligible for FMLA leave, CEFLS will inform you why you are not eligible.

Employees requesting FMLA leave may be required to submit a certification from their health care provider establishing the existence of a serious health condition, the need for the leave and its probable duration. CEFLS will give the employee the certification form. When required, such certification must be submitted as soon as practicable, but, in no event, later than fifteen (15) calendar days after the request. If CEFLS concludes that an employee's medical certification is insufficient, it will notify the employee in writing of the additional information that is necessary to complete the certification. The employee then has seven (7) calendar days to provide the requested information. CEFLS reserves the right to require a second and/or third medical opinion by a health care provider of its choice.

CEFLS will then inform the employee whether leave will be designated as FMLA-protected and, if known, the amount of leave that will be granted. CEFLS will also notify the employee if it determines that the leave is not FMLA-protected.

Employees on FMLA leave must periodically notify **[insert position]** of their status and intention to return to work, and may be required to submit periodic medical recertifications. In addition, in order to return to work after an FMLA leave due to an employee's own serious health condition, the employee must submit a certification from the health care provider that the employee is able to resume work, i.e. fit for duty.

Failure to meet the notice and certification requirements may result in denial of a request for leave; counting the employee's days off against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

Prohibition on Working

As with other forms of leave, except where express authorization is given, employees on FMLA leave are prohibited from performing any work, paid or unpaid, for any other person

or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

Health Insurance and Other Benefits

During an FMLA leave, CEFLS will continue to pay its portion of the group health insurance premiums, and the employee must continue to pay his or her share of the premiums (including the employee's share of any premium increases). The employee's failure to pay his or her share of the premiums will result in loss of coverage. If the employee does not return to work after the leave expires, the employee must reimburse CEFLS for all premiums CEFLS paid during the leave, unless the employee does not return because of the continuation, recurrence or onset of a serious health condition, or other circumstances beyond the employee's control.

Employees will not lose any employment benefits earned and accumulated before their FMLA leave begins, however, employees are required to use their earned and accumulated paid vacation days and paid sick days in conjunction with FMLA leaves, unless the leave otherwise is paid (e.g. because the employee is receiving Workers' Compensation or other disability benefits).