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FAMILY MEDICAL LEAVE ACT
BOARD ADOPTED JULY 15, 2024

322 FAMILY MEDICAL LEAVE ACT

A. PURPOSE

1. The purpose of this policy is to ensure that the Intermediate Unit is in compliance with the federal Family Medical Leave Act (hereinafter referred to as “FMLA”).

B. RESPONSIBILITY

1. The Executive Director, or designee, shall develop administrative guidelines regulating leaves provided for under the FMLA and ensuring compliance with the FMLA. Although the details of the administrative guidelines are to be left to the discretion of the Executive Director, the guidelines must adhere to the following basic principles.

C. GUIDELINES

1. Employees shall be notified of their rights and responsibilities as required by law when the employee makes such a request, an employee requests FMLA leave or when the Intermediate Unit designates a leave as FMLA leave.
2. Required notices shall be posted.
3. All requests for FMLA shall be made in writing including sufficient information from which to determine whether the leave qualifies as FMLA leave.
4. Eligibility for FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for FMLA leave beyond what is required by the FMLA.
5. Medical Certification forms/documents as allowed by the FMLA shall be required whenever authorized by the FMLA.
6. Employees may be required to provide a fitness-for-duty certificate upon returning from FMLA leave when the leave was taken because of the employee’s own serious health condition.
7. For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve (12) month period, the Intermediate Unit shall utilize a twelve (12) month period measured forward from the first date of the employee’s leave.
8. Employees must use all available applicable paid absence days concurrently with an approved FMLA leave per Human Resources Protocols. Paid absence days shall be used in the following order:

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- 33 a. Leave days
- 34 b. Sick days if FMLA is due to their own serious health condition or Family Sick days if for the
35 serious health condition of a spouse, son, daughter or parent
- 36 c. Vacation days
- 37 d. Personal days
- 38 9. The Employer will continue health insurance coverage for twelve (12) weeks in the twelve (12)
39 month period as required by the federal FMLA. The Employer will continue life insurance and
40 long-term disability coverage during the twelve (12) week period covered by the federal FMLA.
- 41 10. If the employee fails to return to work at the end of the leave for reasons other than continuation,
42 reoccurrence or onset of a serious health condition of the employee or a qualified family member
43 or other circumstances beyond the control of the employee, as determined at the sole discretion of
44 the CLIU, the employee may be required to re-pay the Intermediate Unit for the benefits provided
45 during the twelve (12) weeks of leave covered under the FMLA unless the employee is using paid
46 time.
- 47 11. This policy was adopted because of the enactment of the FMLA. Should this Act be repealed or
48 declared invalid, in whole or in part, this policy shall become wholly void and a new policy will
49 be adopted if and as necessary to comply with law.