

# **4022**

## **FAMILY MEDICAL LEAVE ACT** BOARD ADOPTED AUGUST 18, 2014

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### **4022 FAMILY MEDICAL LEAVE ACT**

#### **A. PURPOSE**

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**

The Executive Director or her/his designee shall develop administrative guidelines regulating leaves provided 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 a FMLA leave or when the Intermediate Unit designates a leave as a 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 a FMLA leave.
4. Eligibility for an FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for a 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 shall be required to provide a fitness-for-duty certificate upon returning from an 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-month period measured forward from the first date of his/her leave.
8. Employees who have accrued and available vacation and/or personal days will not be required to use these days during a FMLA leave. However, the employee may choose to have vacation and/or personal days run consecutively with the FMLA leave. The decision to utilize vacation and/or personal days prior to the leave must be determined by the employee prior to the start of his/her leave and this decision cannot be changed once the leave under the FMLA commences.

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- 35 9. Employees who have available sick or family sick days and who are commencing a FMLA leave  
36 due to their own serious health condition or the serious health condition of a spouse, son,  
37 daughter, or parent, will be required to exhaust their sick or family sick days prior to submitting  
38 for a leave under the FMLA.
- 39 10. Employees who have available leave days and who are commencing a FMLA leave must utilize  
40 any paid leave days available during their FMLA leave regardless of the qualifying reason for the  
41 leave unless workers compensation is paid.
- 42 11. The Employer will continue Health Insurance Coverage for 12 weeks in the 12 month period as  
43 required by the federal FMLA. The Employer will continue Life Insurance and Long Term  
44 Disability Coverage during the 12 week period covered by the federal FMLA.
- 45 12. If the employee fails to return to work at the end of the leave for reasons other than continuation,  
46 reoccurrence or onset of a serious health condition of the employee or a qualified family member  
47 or other circumstances beyond the control of the employee, the employee may be required to re-  
48 pay the Intermediate Unit for the benefits provided during the 12 weeks of leave covered under  
49 the FMLA unless the employee is using paid time.
- 50 13. This policy was adopted because of the enactment of the FMLA. Should this Act be repealed or  
51 declared invalid, in whole or in part, this policy shall become wholly void and a new policy will  
52 be adopted if and as necessary to comply with law.