

## **Family and Medical Leave**

This policy is intended to meet the requirements of the Family and Medical Leave Act of 1993.

The Leave Policy; Employees are eligible to take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon their return from leave provided they have worked for the Library for at least 12 months, and for at least 1250 hours in the last 12 months. The Library uses the “rolling” 12-month period measured backwards from the date an employee uses and Family and Medical Leave Act leave to compute the 12-month eligibility period.

### **I. Reasons for Leave**

Employees make take family medical leave for any of the following reasons: (1) the birth and care of a newborn child ; (2) the placement of a child with the employee for adoption or foster care; (3) to care for an immediate family member (spouse, child, or parent (“covered relation”) with a serious health condition; or (4) to take medical leave when the employee is unable to work because of their own serious health condition . Leave because of reasons “1” or “2” must be completed within the 12 month period beginning on the date of birth or placement.

### **II. Notice of Leave**

If an employee’s need for family/medical leave is foreseeable, the employee should give the Library at least 30 days prior written notice. If this is not possible, the employee must at least give notice as soon as practicable (within two business days of learning of the employee’s need for leave.) Failure to provide such notice may be grounds for delay of leave. The Library has a Request for Family/Medical Leave forms available from the Chief Executive Officer, which should be used when requesting Family/Medical Leave leave.

### **III. Medical Certification**

If you are requesting leave because of your own or a covered relation’s serious health condition, you and the relevant health care provider must supply appropriate medical certification. You may obtain Medical Certification Forms from the Chief Executive Officer. When you request leave, the Library will notify you of the requirement for medical certification and when it is due (no more than fifteen days after you request leave.) Failure to provide requested medical certification in a timely manner may result in the denial of leave until it is provided. The Library, at its expense, may require an examination by a second health care provider designated by the Library, if the Library reasonably doubts the medical certification that you initially provide. If the second health care provider’s opinion conflicts with the original medical certification, the Library, 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 may require subsequent medical re-certification on a reasonable basis.

### **IV. Reporting While on Leave**

If an employee takes leave because of the employee’s own serious health condition or to care for a covered relation, the employee must contact the Library every Tuesday regarding the status of the condition and the employee’s intention to return to work.

### **V. Leave is Unpaid**

Family/medical leave is unpaid leave (although you may be eligible for long-term disability and/or worker’s compensation benefits under those insurance plans.) If the employee requests leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation and personal days first

will be substituted for unpaid family/medical leave. If the employee requests leave because of the employee's own serious health condition, any accrued paid vacation, personal days or medical/sick leave first will be substituted for any unpaid family/medical leave. If the employee requests leave because of a covered relation with a serious health condition, any accrued paid vacation or personal days first will be substituted for any unpaid family/medical leave. The substitution of paid leave time for unpaid leave times does not extend the 12-week leave period.

#### **VI. Medical and Other Benefits**

During an approved family/medical leave, the Library will maintain the employee's health benefits, as if they continued to be actively employed. If paid leave is substituted for unpaid family/medical leave time, the Library will deduct the employee's portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium by delivering a check or money order to the Library before the date each month when the premium is due to the insurance carrier. Your health care coverage will cease if your premium payment is more than 30 days late. If you elect not to return to work at the end of the leave period, you will be required to reimburse the Library for the cost of the premiums paid by the Library for maintaining coverage during your leave, unless you cannot return to work because of a serious health condition or other circumstances beyond your control. No other benefits will accrue during family/medical leave.

#### **VII. Intermittent and Reduced Schedule Leave**

Leave because of a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours you work per workweek or workday) if medically necessary. If leave is unpaid, the Library will reduce your salary based on the amount of time actually worked. In addition, while you are on an intermittent or reduced schedule leave, the Library may temporarily transfer you to an available alternative position which better accommodates your recurring leave and which has equivalent pay and benefits.

#### **VIII. Returning from Leave**

If you take leave because of your own serious health condition, you are required to provide medical certification that you are fit to resume work. You may obtain Return to Work Medical Certification Forms from the Chief Executive Officer. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

#### **IX. Definitions**

For the purposes of this policy the following definitions apply:

- 1) *Spouse*- is defined in accordance with applicable state law
- 2) *Parent* includes biological parents and individuals who acted as your parents, but does not include parent's in-law.
- 3) *Son or daughter* -includes biological, adopted, foster children, stepchildren, legal wards and other persons for whom you act in the capacity of a parent and who is under 18 years of age or over 18 years of age but incapable of caring for themselves
- 4) *Serious health condition* -means any illness, injury, impairment or physical or mental condition that involves (1) any incapacity or treatment in connection with inpatient care; (2) an incapacity requiring absence of more than three calendar days and continuing treatment by a health care provider, (3) continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three days if not treated.

5) *Continuing treatment* -means (1) two or more treatments by a health care provider, (2) two or more treatments by a provider of health care services (e.g. physical therapist) on a referral by or under orders of a health care provider, (3) at least one treatment by health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g. a program of medication or therapy) or (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which can not be cured.

6) *Health Care Provider* - includes licensed MDs or ODs, podiatrists, dentists, clinical psychologists, optometrists, chiropractors authorized to practice in the state, nurse practitioner and nurse-midwives authorized under state law and Christian Science practitioners.

7) *Needed to care for a family member* - encompasses: (1) physical and psychological care; and (2) where the employee is needed to fill in for others providing care or to arrange for a third party care of the family member.

8) The phrase *unable to perform the functions of their job* - means an employee is: (1) unable to work at all; or (2) unable to perform any of the essential functions of their position. The term "essential functions" is borrowed from the Americans with Disabilities ACT ("ADA") to mean "the fundamental job duties of the employment position," but does not include the marginal functions of the position.

Reviewed: July 15, 2010 Amended: June 2021! 109