450

FAMILY MEDICAL LEAVE ACT
BOARD ADOPTED AUGUST 18, 2014

1   **450 FAMILY MEDICAL LEAVE ACT**

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3   **A. PURPOSE**

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

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7   **B. RESPONSIBILITY**

8   The Executive Director or her/his designee shall develop administrative guidelines regulating leaves
9   provided under the FMLA and ensuring compliance with the FMLA. Although the details of the
10   administrative guidelines are to be left to the discretion of the Executive Director, the guidelines must
11   adhere to the following basic principles and align with the applicable Collective Bargaining
12   Agreement.

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14   **C. GUIDELINES**

15   1.   Employees shall be notified of their rights and responsibilities as required by law when the
16   employee makes such a request, an employee requests a FMLA leave or when the Intermediate
17   Unit designates a leave as a FMLA leave.

18   2.   Required notices shall be posted.

19   3.   All requests for FMLA shall be made in writing including sufficient information from which to
20   determine whether the leave qualifies as a FMLA leave.

21   4.   Eligibility for a FMLA leave shall be based entirely on the eligibility criteria established by the
22   FMLA. This policy shall not be construed to expand eligibility for a FMLA leave beyond what is
23   required by the FMLA.

24   5.   Medical Certification forms/documents as allowed by the FMLA shall be required whenever
25   authorized by the FMLA.

26   6.   Employees may be required to provide a fitness-for-duty certificate upon returning from a FMLA
27   leave when the leave was taken because of the employee's own serious health condition.

28   7.   For purposes of determining whether an eligible employee under the FMLA has exhausted the
29   twelve (12) weeks of leave in any twelve (12) month period, the Intermediate Unit shall utilize a
30   twelve-month period measured forward from the first date of his/her leave.

31   8.   Employees who have available personal days will not be required to use these days during a
32   FMLA leave. However, the employee may choose to have personal days run consecutively with
33   the FMLA leave. The decision to utilize personal days prior to the leave must be determined by

34 the employee prior to the start of his/her leave and this decision cannot be changed once the leave
35 under the FMLA commences.

36 9. Employees who have available sick or family sick days and who are commencing a FMLA leave
37 due to their own serious health condition or the serious health condition of a spouse, son,
38 daughter, or parent will be required to exhaust their sick or family sick days prior to submitting
39 for a leave under the FMLA.

40 10. Employees who have available leave days, as provided in the Collective Bargaining Agreement,
41 and who are commencing a FMLA leave must utilize any paid leave days available during their
42 FMLA leave regardless of the qualifying reason for the leave, unless worker's compensation is
43 paid.

44 11. The Employer will continue Health Insurance Coverage for 12 weeks in the 12 month period as
45 required by the federal FMLA. The Employer will continue Life Insurance and Long Term
46 Disability Coverage during the 12 week period covered by the federal FMLA.

47 12. If the employee fails to return to work at the end of the leave for reasons other than continuation,
48 reoccurrence or onset of a serious health condition of the employee or a qualified family member
49 or other circumstances beyond the control of the employee, the employee may be required to re-
50 pay the Intermediate Unit for the benefits provided during the 12 weeks of leave covered under
51 the FMLA unless the employee is using paid time.

52 13. This policy was adopted because of the enactment of the FMLA. Should this Act be repealed or
53 declared invalid, in whole or in part, this policy shall become wholly void and a new policy will
54 be adopted if and as necessary to comply with law.