
FAMILY AND MEDICAL LEAVE

The purpose of this policy is to provide leaves of absence to eligible staff members in accordance with the Family and Medical Leave Act (FMLA) of 1993.

This policy applies to all staff members who have worked at the Agency for at least one year at the time the leave is requested; who have completed at least 1,250 hours of service during the 12-month period preceding the leave request, and work at a site where at least 50 staffers are employed, or within a 75-mile radius of that site.

Eligible staff may be granted up to 12 weeks unpaid leave in a twelve (12) month period. The twelve (12) month period within which FMLA is granted will be a fixed calendar year, January 1st through December 31st.

- For the birth of a staff member's child, or upon placement of a child with the staff member for adoption or foster care. This leave will normally be taken in one block of time unless the Executive Director approves special arrangements for "intermittent" or "reduced work schedule".
- When the staff member is needed to care for a child, spouse or parent who has a serious health condition.
- When the staff member is unable to perform his or her functions due to a serious health condition.

Accrued vacation, sick, and personal leave must be substituted for all or part of any otherwise unpaid FMLA leave. The total of paid and unpaid leave under this policy is not to exceed 12 weeks.

For the purposes of this policy, the following definitions will serve:

Child: Anyone under 18 years who is the staff member's biological, adopted or foster child, stepchild, legal ward or an adult legally dependent child. This may include a child for whom the staff member has day-to-day responsibility.

Parent: Biological, foster or adoptive parents, stepparents, legal guardians, or any individual who stood in place of parents for a staff member when the staff member was a child.

Spouse: A husband or wife as defined by applicable state law.

Serious health condition: An illness, injury, impairment, or physical or mental condition that involves inpatient care, or any period of incapacity requiring absence from school or work of more than three calendar days and involving continuing treatment by a health care provider.

*Approved by BOD 08/23/2001
Approved by Policy Council 08/29/2001*

Procedures for requesting family or medical leave

1. A request for a FMLA leave of absence must be made, in writing, by the staff member and submitted to the Human Resources Manager 30 days before commencement date. If 30 days advance notice is not possible, a FMLA leave of absence must be given as soon as possible.
2. When the leave is due to a staff member or family member's serious health condition, the staff member must provide a written statement from the health care provider documenting the serious health condition and the approximate duration of the condition, if known.
3. Evidence of the continued serious health condition may be required during leave.
4. While on leave, staff members are required to contact the Human Resources Department every 15 days to advise the Agency of any change or improvement in condition.
5. When the leave is for planned medical treatment, the staff member must attempt to schedule the treatment so as not to disrupt the Agency's operations.

Status of benefits during leave

During leave under this policy, the staff member is responsible for any insurance payments normally deducted through payroll. Prior to leave, the Human Resources Department will explain the payment obligations to the staff member.

If a staff member fails to return to work at the end of the leave, the Agency may recover from the staff member the cost of any payments made to maintain the staff member's coverage, unless the failure to return was beyond his or her control.

A staff member on leave will not lose any employment benefits accrued prior to leave unless a benefit is used by the staff member during the leave, such as accrued vacation or sick leave. Paid leave days and seniority do not accrue while a staff member is on family and medical leave.

Return to work

Before being permitted to return to work from a leave for the staff member's own serious health condition, the staff member will be required to provide certification from his or her health care provider that he or she is able to resume work.

Upon return from leave, most staff members will be reinstated in the following priority of position reassignment: if available, the same position held before leave, or reassignment to an equivalent position with equivalent pay, benefits and other conditions of employment.

If possible, staff members on leave should notify their supervisor at least two weeks before the end of the leave to inform the Agency of availability to return to work.

Failure to return from leave, or failure to contact a supervisor or Human Resources on the scheduled date of return, may be considered voluntary termination of employment.

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