

## Family and Medical Leave Act Leave

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The Bullitt County Public Library provides family leave in accordance with the Family Medical Leave Act (FMLA) of 1993. The FMLA is a federal law that gives eligible employees up to 12 work weeks of unpaid leave in a rolling 12-month period, to cover family medical situations. When calculating an employee's available FMLA leave, the employee's remaining available balance is 12 weeks minus whatever portion of FMLA leave the employee used during the 12 months *preceding* that day. FMLA leave may be granted for the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care with the employee;
- To care for an employee's immediate family member with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform the functions of the employee's job. This includes injuries which fall under worker's compensation.
- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty; or
- Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member or veteran.

Immediate family is defined as a spouse, child, parent, sibling, grandparent, grandchild, or immediate in-laws. (Note: in-laws are not required by federal law but are allowed by the Library). Other relationships may also be approved on a case-by-case basis by the Library Director without precedent being set.

Serious health conditions are defined for this policy as those which meet one of the following criteria:

- A condition that requires inpatient care at a hospital, hospice, or residential care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
- Illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring period health care visits for treatment, such visits must take place at least twice a year.

All employees who have been employed by the Library for twelve months and who have worked at least 1250 hours in the twelve months prior to the Leave are eligible for FMLA Leave. The 1,250 hours do not include time spent on paid or unpaid leave. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

The employee must provide certification for all eligible types of leave. When FMLA Leave is requested for a condition involving a family member, certification from the health care provider must indicate the necessity of the employee's presence during treatment or care.

FMLA leave may be taken intermittently or the employee may work a reduced schedule in some cases. FMLA Leave taken for childbirth, foster care, or adoption may not be taken intermittently. FMLA Leave taken for these purposes must occur within the first twelve (12) months of the birth or placement. FMLA leave applies equally to male and female employees and health benefits will be continued under the library's "group health plan".

All existing types of leave, including sick time and vacation time shall be used concurrently with FMLA leave. Employees are required to use any accumulated sick leave and/or annual leave balances when placed on FMLA leave. When sick leave and vacation leave balances are exhausted, if the employee is eligible for coverage under the library's short term disability benefit, the short term disability benefit shall run concurrently with the FMLA leave. If all leave types are exhausted the employee shall be placed on leave without pay for the duration of family leave.

Time from other paid leaves that accrue while the employee is on FMLA leave including additional vacation, sick time, and holidays, will be taken concurrently with the hours of FMLA leave to which employees are entitled.

An employee who believes that they are eligible to be placed on FMLA leave should contact the library's administration so the proper forms can be filled out.

Employees should make a written request for FMLA Leave to the Administration as far in advance as possible. When the need is foreseeable, the employee must provide at least thirty (30) days' notice. When an employee becomes aware of a need from FMLA leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the same day or the next business day.

The Library will require certification for leave in cases of a serious health condition of the employee or the employee's family member, qualifying exigency, or injury or illness of a covered service member for military family leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Certification will be provided using the appropriate Department of Labor certification form as provided by the Administration.

The Library may request recertification no more frequently than every thirty (30) days that the employee is on FMLA Leave and only when circumstances have changed significantly, or if the Library receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of leave. Changes in certification must be reported to the Library immediately.

The Library may directly contact the health care provider for verification or clarification purposes using a health care professional, Human Resources professional, or management official. The Library will not use the employee's direct supervisor for this contact. Before the Library makes this direct contact with

the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPPA Medical Privacy Rules, the Library will obtain the patient's permission for clarification of individually identifiable health information.

The Library has the right to ask for a second opinion if it has reason to doubt the certification. The Library will pay for the certification from a second doctor, which the Library will select. If necessary to resolve a conflict between the original certification and the second option, the Library and the employee will mutually select a third doctor at the Library's expense.

Employees who have been placed on FMLA leave and who are able to return to work shall be restored to the same or equivalent position including the same pay, benefits, and working conditions once FMLA leave has concluded.

Employees should notify their supervisors as soon as possible of the date they will be able to return to work. Employees returning from FMLA must submit a health care provider's verification of fitness to return to work if applicable.

Employees who elect not to return to work will be offered the continuation of health benefits under COBRA.

Falsification of documentation associated with FMLA Leave will result in disciplinary action up to and including termination.

FMLA Leave is granted solely for the purposes set forth in this policy. Use of family or medical leave for other purposes is prohibited and could result in disciplinary action up to and including termination.