

452 FEDERAL FAMILY MEDICAL LEAVE ACT

1.0 Purpose

The William Shore Metropolitan Park District (District) complies with the federal Family and Medical Leave Act of 1993 ("FMLA") and all applicable state laws (WFLA) related to family and medical leave. The FMLA provides up to 12 weeks of unpaid leave every 12 months to eligible employees for certain family and medical reasons. To be eligible an employee must have worked for the District at least one year, and for 1,250 hours over the previous 12 months.

2.0 Requirements for use of FMLA

Unpaid FMLA leave may be granted for any of the following reasons:

- To care for a child after birth or placement for adoption or foster care.
- To care for an employee's spouse, son, daughter or parent who has a serious health condition.
- For a serious health condition that makes an employee unable to perform the essential functions of his/her job.
- To care for an employee's spouse, son, daughter, parent or next of kin undergoing medical treatment as a member of the armed forces, National Guard or Reserves.
- For "any qualifying exigency" (as the Secretary of Labor shall by regulation determine) arising out of the call to duty of an employee's spouse, son, daughter or parent.

3.0 Intermittent Leave

Under some circumstances, FMLA leave may be taken intermittently -- which means taking leave in blocks of time, or by reducing an employee's normal weekly or daily work schedule -- if medically necessary because of a serious health condition. If an employee is granted intermittent leave or works a reduced schedule, he/she may be required to provide a written certification from his/her health care provider that includes the projected dates and duration of treatment and a statement of the medical necessity for taking intermittent leave or working a reduced schedule.

3.1 Alternative Positions

The District may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced work schedule.

3.2 Birth and Adoptions

If FMLA leave is taken for the birth or placement for adoption or foster care of a child, use of intermittent leave is subject to the District's prior approval. Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement

3.3 Substitution of Paid Leave

The District may require an employee to use accrued sick leave or vacation as part of the employee's FMLA entitlement. For example, if an employee wishes to take 12 weeks of FMLA leave due to his/her own serious illness and he/she has accrued two weeks of sick leave and two weeks of vacation, the employee would first take two weeks of sick leave, then two weeks of vacation, in that order, and would then have eight weeks of unpaid FMLA leave available. However, the District will not require an employee to use sick leave if the leave is for a purpose for which sick leave is not normally available, e.g. bonding with a newborn child.

3.4 Advance Notice and Medical Certifications

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The District requires that an employee provide the District with advance leave notice, with medical certification of the need for a leave related to a serious health condition, and with medical certification of the employee's fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if the following requirements are not met:

- An employee must give the District at least 30 days' advance notice of his/her request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days' notice is not practicable, then the employee must give the District notice as soon as practicable. If the employee does not give the District 30 days' advance notice, and if the employee is able to foresee the need for the leave and the approximate date of the leave, the District may deny the employee's request for leave until at least 30 days after the date the employee gives the District such notice.
- The District requires that employees provide a medical certification to support a request for leave because of a serious health condition (the employee's, employee's child's, spouse's or parent's) whenever the leave is expected to extend beyond three consecutive working days or will involve intermittent or part-time leave. The District may require second or third opinions, at the District's option and expense.
- The District requires employees provide a medical certification of fitness for duty to return to work after a medical leave that extends beyond ten consecutive working days, or that involves substance abuse, or where the medical condition and the employee's job are such that the District believes the employee may present a serious risk of injury to the employee or others if the employee is not fit to return to work.

3.5 Periodic Reporting

If an employee takes FMLA leave for more than ten consecutive days, the District requires that the employee report in, to his/her department head or designee, at least every two weeks regarding the employee's status and intent to return to work, unless a different requirement is set by the department head.

3.6 Couples Employed by Us

If both the employee and the employee's spouse work for the District and the employee requests leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA leave available to both individuals for those purposes is 12 weeks.

3.7 Determining Leave Availability

FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the "12-month period" is a rolling 12-month period measured backwards from the date the employee uses any FMLA leave.

3.8 Leave Related to Pregnancy

If an employee takes leave for pregnancy disability, the leave taken while the employee is physically unable to work will be in addition to the employee's annual 12-week FMLA leave allowance. For example, if an employee works until her due date and then the physician certifies a six-week disability period, the employee could take as much as 18 weeks of leave. However, insurance benefits would only be continued at the District's expense for 12 weeks. After that the employee would need to arrange to self-pay benefit premiums.

3.9 Reinstatement Rights

If an employee takes leave under this policy, he/she usually will be able to return to the same or a similar job with equivalent status, pay, and benefits, and one which entails substantially equivalent skill, effort, responsibility and authority.

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4.0 Required Record Keeping

The District must keep the records specified by these regulations for no less than three years and make them available for inspection, copying, and transcription by representatives of the Department of Labor upon request.

4.1 Items Required

- a. Dates: FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or an employer plan, which is not also covered by FMLA.
- b. If FMLA leave is taken by eligible employees in increments of less than one full day, the hours of the leave.
- c. Copies of employee notices of leave furnished to the employer under FMLA.
- d. Any documents (including written and electronic records) or medical records which were used to qualify employee for FMLA