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FAMILY MEDICAL LEAVE ACT BOARD ADOPTED MAY 15, 2023

1022 FAMILY MEDICAL LEAVE ACT

A. PURPOSE

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

B. RESPONSIBILITY

1. The Executive Director, or designee, shall develop administrative guidelines regulating leaves provided for under the FMLA and ensuring compliance with the FMLA. Although the details of the administrative guidelines are to be left to the discretion of the Executive Director, the guidelines must adhere to the following basic principles.

C. GUIDELINES

1. Employees shall be notified of their rights and responsibilities as required by law when the employee makes such a request, an employee requests FMLA leave or when the Intermediate Unit designates a leave as FMLA leave.
2. Required notices shall be posted.
3. All requests for FMLA shall be made in writing including sufficient information from which to determine whether the leave qualifies as FMLA leave.
4. Eligibility for FMLA leave shall be based entirely on the eligibility criteria established by the FMLA. This policy shall not be construed to expand eligibility for FMLA leave beyond what is required by the FMLA.
5. Medical Certification forms/documents as allowed by the FMLA shall be required whenever authorized by the FMLA.
6. Employees may be required to provide a fitness-for-duty certificate upon returning from FMLA leave when the leave was taken because of the employee’s own serious health condition.
7. For purposes of determining whether an eligible employee under the FMLA has exhausted the twelve (12) weeks of leave in any twelve (12) month period, the Intermediate Unit shall utilize a twelve (12)month period measured forward from the first date of the employee’s leave.
8. Employees who have accrued available vacation and/or personal days will not be required to use these days during FMLA leave. However, the employee may choose to have vacation and/or personal days run consecutively with FMLA leave. The decision to utilize vacation and/or personal days prior to the leave must be determined by the employee prior to the start of the leave and this decision cannot be changed once the leave under the FMLA commences.

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- 36 9. Employees who have available sick or family sick days and who are commencing 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 commencing
39 a leave under the FMLA.
- 40 10. Employees who have available leave days and who are commencing FMLA leave must utilize
41 any paid leave days available during their FMLA leave regardless of the qualifying reason for the
42 leave, unless workers compensation is paid.
- 43 11. The Employer will continue health insurance coverage for 12 weeks in the 12-month period as
44 required by the FMLA. The Employer will continue life insurance and long-term disability
45 coverage during the twelve (12) week period covered by the FMLA.
- 46 12. If the employee fails to return to work at the end of the leave for reasons other than continuation,
47 reoccurrence or onset of a serious health condition of the employee or a qualified family member
48 or other circumstances beyond the control of the employee, as determined at the sole discretion of
49 the CLIU, the employee may be required to re-pay the Intermediate Unit for the benefits provided
50 during the twelve (12) weeks of leave covered under the FMLA unless the employee is using paid
51 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.