

Patchogue-Medford Library
Family & Medical Leave Act (FMLA) Policy

The Family and Medical Leave Act affords employees twelve (12) work weeks of unpaid family and medical leave.

Eligibility. Employees who have been employed for a total of at least twelve (12) months and who have provided at least 1250 hours of service during the twelve (12) months prior to requesting leave are eligible for the leave. Eligible employees will be restored to the same or an equivalent position upon return from leave. "The taking of leave... shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced."

Reasons for Leave. Eligible employees are entitled to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for any of the following reasons:

1. The birth of a child to an employee or the placement for adoption or foster care of a child with the employee. The FMLA requires that employees who take such leave must do so within 12 months of the arrival of the child.
2. For the care of a son or daughter, spouse or parent who has a serious health condition.
3. For an employee where a serious health condition renders the employee unable to perform the functions of his/her position.
4. For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on covered active duty or called to covered active duty status as a member of the National Guard, Reserve or regular Armed Forces.*

*Eligible employees may take up to 26 work weeks of unpaid, job-protected leave in a single 12 month period, to care for a covered service member with a serious injury or illness.

Calculating the "12-month period" in which the 12 weeks of leave entitlement occurs.

The "12-month period" in which the 12 weeks of leave entitlement occurs is calculated on a rolling basis measured backward from the date an employee uses leave under this policy. Under this "rolling" 12-month period, each time an employee takes leave under the terms of this policy, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if any employee has taken eight weeks of leave during the 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning March 1, 1994, four weeks beginning July 1, 1994, and four weeks beginning January 1, 1995, the employee would not be entitled to any additional leave until March 1, 1995. However, on March 1, 1995, a qualifying employee would begin to accrue additional weeks of leave, on July 1, 1995, a qualifying employee would begin to accrue additional weeks of leave, etc.

Notice of Leave. An employee must provide the Patchogue-Medford Library with at least 30 days notice of his/her intention to take leave when the need for such leave is clearly foreseeable; when the leave is foreseeable but not clearly foreseeable, the employee must notify his/her department

head at least 30 days in advance; in emergency situations, the Library is entitled to receive "such notice as is practicable." In an emergency situation, notice may be made verbally, by telephone, or fax and notice may be given by spouse, family member or any other responsible party. In the event leave is foreseeable based on planned medical treatments, "the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations" of the Library.

White or orange "Leave Request" forms should be used to give notice. "Personnel Notification" forms should be used to describe schedule modifications.

Types and Extent of Leave. At the employee's or employer's option:

- certain kinds of paid leave may be substituted for unpaid leave;
- a combination of paid and unpaid leave may be used.

When paid leave is used, associated contractual benefits apply.

Extensions beyond the initial 12-week period must be requested of the Library at least 30 days before the expiration of the leave. Substitution of paid leave for unpaid leave does not automatically extend the 12-week period.

Reduced Leave Schedule. Medical leave may be taken on a reduced leave schedule for an employee with a serious health condition or when an employee is needed to care for a covered relation with a serious health condition. While on a reduced leave schedule, an employee may be temporarily transferred to an available alternative position which better accommodates the recurring leave and which has equivalent pay and benefits.

Medical Certification. An employee is required to provide medical certification on the forms provided by the Business Office.

Return to Work Medical Certification. An employee must provide certification from the health care provider of the employee's ability to return to work.

Reporting While on Leave. While on leave, an employee must contact his/her department head regarding the status of the condition and his/her intention to return to work. Contact must be made once every week on a schedule of day and time to be agreed upon by the department head and the employee before the leave starts, or, in the case of an emergency, as soon as possible after the leave starts.

Health Insurance. For the duration of the FMLA leave, the employee's health insurance coverage will be maintained with the employee paying his/her normal share of the coverage for that period. If an employee does not return to work after an unpaid FMLA leave, the non-returning employee is obligated to reimburse the Library for health insurance premiums paid on his/her behalf by the Library during the leave, unless

- the employee can provide medical certification of the continuation, recurrence, or onset of a serious health condition or a serious injury or illness of a covered service member which would entitle the employee to FMLA leave, or,
- the employee is laid off by the Library during the leave, or,

- the employee provides evidence of being unable to return to work because the spouse has been transferred to a job in another geographic location.
- Other circumstances beyond the employee's control

If medical certification or evidence of transfer is not provided and if the Library has not laid off the employee, arrangements will be made to recover the Library's share of premiums paid during the unpaid FMLA leave.

The Library's obligation to provide health insurance stops if the employee's premium payment is more than thirty (30) days late and the Library has given the employee written notice of at least fifteen (15) days in advance, advising that coverage will cease if payment is received.

Leave Accrual. A regular full-time or part-time employee on unpaid FMLA leave will not accrue leave time. A regular full-time or part-time employee on a "reduced schedule" FMLA leave will earn leave time at the rate for regular part-time employees provided he/she works 17 or more hours per week.

Deductions. Employees are advised to consult the Business Office about paycheck deductions when considering unpaid leave.

Relation of Policy to Collective Bargaining Agreements. To the extent a collective bargaining agreement provides greater family and medical leave rights to an employee than the rights established under this Policy, the rights granted to the employee in the collective bargaining agreement will govern the family and medical leave of the employee. If an employee is entitled to family and medical leave under this Policy and under a collective bargaining agreement, the employee's family and medical leave will be deemed to have been taken concurrently under both this Policy and the collective bargaining agreement.

Interpretations. In all cases in which this policy is open to interpretation, the wording of the Family and Medical Leave Act and collective bargaining agreements shall take precedence.

Revised and approved February 18, 2014

Approved by the Board of Trustees, February 15, 1994