

FMLA (Family Medical Leave Act) Policy

It is the policy of the Library to grant employees extended leaves of absence under certain circumstances. Except as stated below, employees will not receive compensation during a leave of absence.

The function of this Policy is to provide employees with a general description of their FMLA rights. If you have any questions, concerns, or disputes with this Policy, you must contact the Library Director in writing.

1. Under this Policy, the Library may grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) of unpaid leave during a 12-month period to eligible employees. Employees will be required to use their vacation, personal, and sick days as part of the leave granted.
2. Employees generally are eligible for leaves of absence if they have worked for the Library for at least twelve months or 52 weeks, and must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. Time spent on paid or unpaid leave is not included as hours worked for purposes of determining the 1,250 hours of eligibility.
3. The granting and duration of each leave of absence and the compensation received by the employee, if any during the leave of absence, will be determined by the Library in conjunction with applicable federal and state law. The following types of leave will be considered:

Sick Leave of Absence: Employees who are unable to work because of a serious health condition or disability that makes the employee unable to perform the functions of the employee's position, and who need to take leave beyond the coverage afforded in the Library's policy on short-term absences, may be granted a sick leave of absence. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical 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. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. Parental Leave of Absence: Female employees, when not disabled by pregnancy or childbirth, and male employees, may be granted a parental leave of absence for (1) the birth of a child and in order to care for that child and (2) the placement of a child for adoption or foster care, and to care for the newly placed child.. Parental Leave of Absence must conclude within 12 months after the birth or placement of the child.

Family Care Leave of Absence: Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse, or parent who has a serious health condition.

Personal Leave of Absence: Employees may be granted a leave of absence to attend to personal matters in cases in which the Library determines that an extended period of time away from the job will be in the best interest of the employee and the Library.

Military Leave of Absence: A military leave of absence will be granted if the employee enlists, is inducted, or is recalled to active duty in the Armed Forces of the United States for a period of up to four years (plus involuntary extension for not more than one year). Employees who perform and return from military service in the Armed Forces, the military Reserves, or the National Guard will retain such rights with respect to reinstatement, seniority, vacation, layoffs, compensation, and length or service pay increases as required by applicable federal or state law.

4. If a husband and wife both work for the Library and each wishes to take leave for the birth of a child, adoption or a placement of a child in foster care, or to care for a parent with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work the Library and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

5. When the need for leave is foreseeable, the employee must provide the Library Director with at least 30 days' prior written notice for a leave of absence or any extension of a leave. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide written notice of the need for the leave either the same day or the next business day. Within five business days after the employee has provided such written notice, the Library Director will complete and provide the employee with the DOL Notice of Eligibility and Rights.

The Director will promptly forward the employee's request to the Board of Trustees recommending either approval or denial of compensation beyond employee paid benefits. The final decision concerning compensation beyond employee paid benefits will be made by the Board of Trustees.

6. The Library will require certification from the employee's health care provider (on the appropriate Department of Labor Certification of Health Care Provider form) in connection with all employee requests for FMLA leave. The employee must respond to such a request within 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. The Library may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Library may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The Library may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

7. Within five business days after the employee has submitted the appropriate certification form, the Library Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice

8. Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service.

9. On a basis that does not discriminate against employees on FMLA leave, the Library may require an employee on FMLA leave to report periodically to the Library Director on the employee's status, any change thereof, and their intention to return to work.

10. Employees taking FMLA leave must use all paid vacation, personal and sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy. Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

11. The Library will provide health insurance and other benefits to employees on leave as required by law. Benefits that accrue according to the length of service, such as paid vacation, holiday, personal, and sick days, do not accrue during periods of leave.

12. An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently when medically necessary or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period). The Library Director and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. The employee must make reasonable efforts to schedule treatment(s) so as not to unduly disrupt Library operations.

13. Employees returning from a leave of absence will be reinstated to the same position or a position with equivalent status, pay, benefits and other employment terms and working conditions, as required by law. Employees returning from a sick leave must provide certification from their health care provider of their ability to perform the functions of their job. Employees returning from a military leave must also comply with all of the reinstatement requirements specified by federal law. If the same job or one of the equivalent status and pay is not available as a result of a reduction in or reorganization of work force, the employee will be treated in the same manner as though he or she were not on leave at the time of the reduction in force. The Library may choose to exempt certain highly compensated key employees from this requirement and not return them to the same or similar position when necessary to prevent economic injury to Library operations.

14. Employees who are unable to report for work because of arrest or incarceration will be placed on special personal leave of absence. If the employee is unable to secure bail, the leave of absence will continue until final disposition of the charges. If the employee is free on bail, a decision whether to allow the resumption of active employment pending disposition of the charges will be made by the employee's supervisor, the Director, and the Board of Trustees. They will determine whether reinstatement would be consistent with the Library's needs and requirements.

15. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of such leave, the employee will be considered to have voluntarily terminated employment.

Adopted by the Board of Trustees: January 1997

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