

FAMILY AND MEDICAL LEAVE

This policy has been adopted by the RSU # 14 Board of Directors to implement the Federal Family and Medical Leave Act. The Federal and Family Medical Leave Act (FMLA) provides generally that an eligible employee is entitled to up to twelve (12) unpaid work weeks of leave during any 12-month period: (1) for the birth, adoption, or foster placement of a child; (2) to care for a spouse/partner, son, daughter, or parent with a serious health condition; (3) when an employee is unable to work because of the employee's serious health condition; or (4) for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

To be eligible, an employee must:

1. Have been employed in the District for at least 12 months when the leave commences; and
2. Have worked at least 1250 hours in the 12 previous months.

In administering the FMLA for eligible employees, the employer will abide by the following:

1. The "12 month period" for purposes of the FMLA referred to above shall be measured forward from the date of your first FMLA leave usage.
2. Employees requesting leave shall provide at least 30 days' notice whenever such leave is foreseeable.
3. Whenever an employee is absent for ten (10) consecutive days, the employee will be asked to provide information needed to determine whether the leave is for an FMLA-qualifying purpose.
4. All leave taken for FMLA-qualifying purposes shall be counted toward the employee's FMLA entitlement. Any employee taking leave under FMLA shall concurrently use any applicable paid leave available under existing policies or agreements, provided the employee meets all requirements for such paid leave. After such paid leave is exhausted, the balance of the FMLA leave shall be unpaid.
5. The employer will continue to pay its share of the employee's health insurance premium while the employee is on unpaid FMLA leave. The employee must pay his or her share of the premium on a monthly basis as directed by the Administrative Office.
6. Before returning to work, employees taking FMLA leave for their own serious health condition shall submit a certificate from a health care provider indicating that they are able to return to work and perform the essential functions of the position.
7. Employees who are not eligible for FMLA leave may be eligible for up to ten (10) weeks of unpaid family or medical leave during any two-year period under the Maine Family Medical Leave Act.

Further information about the Federal Family and Medical Leave Act is contained in the U.S. Department of Labor Program Highlights.

Legal references: 26 U.S.C. Section 2601 et. seq.
 29 C.F.R. Part 285
 26 M.R.S.A. Section 843 et. seq.

Cross References: Family Care Leave Policy (File Code: GBO)

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