

OTTUMWA PUBLIC LIBRARY POLICY AND PROCEDURE

Name of Policy: **FAMILY AND MEDICAL LEAVE ACT**

Purpose:

The Family Medical Leave of Absence Act of 1993 was created to give employees an opportunity to take time off from work for specific medical circumstances by providing job and benefit protection. This leave is provided as an unpaid leave. However, employees can choose to use accrued salary replacement benefits (i.e. Personal Leave and/or Sick Leave) if eligible as outlined in this policy. A leave may be taken on a concurrent or consecutive basis with Sick Leave and/or Personal Leave as long as the leave is taken because of one of the circumstances listed below.

Procedure:

I. Eligibility

An employee must have completed twelve consecutive months of employment and worked a minimum of 832 hours during this time. An eligible employee would be entitled to:

- A. A total of twelve workweeks of leave during a twelve-month period.
- B. An intermittent leave that is equivalent to the employee's budgeted hours times twelve weeks within a twelve-month period. An intermittent leave is when an employee reduces the number of hours scheduled to accommodate a serious health condition for self or an eligible family member.

Exempt and non-exempt employees are eligible for Family Medical Leave. An unpaid family medical leave will not affect the exempt status of an employee who was in a position classified as exempt when an FMLOA began.

C. Qualifying Events

A Family Medical Leave of Absence (FMLA) may be taken for one or more of the following:

1. The birth of a child. Leave must be taken consecutively within the first twelve months following birth.
 - a. For normal delivery, six weeks of Sick Leave and six weeks of Personal Leave may be used. With a physician's authorization additional Sick Leave may be used for cesarean or other complications of pregnancy (but not to exceed a total of 12 weeks).
 - b. If complications occur prior to delivery, the employee's total absence will be limited to twelve weeks. If more time is needed, a General Leave of Absence (see *Leave of Absence* policy) may be applicable.
2. The placement of a child with an employee for adoption or foster care. Leave must be taken consecutively during the first twelve months after placement.
 - a. Four weeks of accrued sick leave and six weeks of accrued personal leave can be used.
3. To care for a spouse, child, parent or grandchild residing with the employee with a serious health condition. A serious health condition is one that requires inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a healthcare provider. Leave may be taken intermittently or on a reduced schedule basis, but only if such a schedule is needed for medical reasons.
 - a. An eligible employee's right to take a Family Medical Leave is not limited by the availability of another family member to care for the spouse, child, parent or grandchild.
 - b. However, to be eligible to utilize accrued Sick Leave benefits, the employee must be the primary caregiver. For a description of this benefit please refer to the Sick Leave policy.
4. An employee's own serious health condition, which prevents him/her from performing the essential functions of their position. Leave may be taken intermittently or on a reduced schedule basis, but only if schedule is needed for medical reasons.
 - a. When an employee is on light duty for non-industrial through Occupational Health, the light duty and FMLA must run concurrently.
 - b. Occupational Health Department will notify the Personnel Department when non-industrial light-duty needs to be extended beyond two weeks.

II. Notice Requirements

Employees must give thirty (30) days notice prior to the beginning of a leave. If the employee is unable to provide thirty days notice due to unforeseen

circumstances, he/she must give the Director as much notice as possible. If an employee fails to provide thirty days notice for a foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty days from the date of notification. An application for a Family and Medical Leave must be submitted in writing to the Director.

III. Intermittent or Reduced Schedule Leave

A reduced schedule leave refers to a leave that reduces the usual number of hours per week or pay period. Employees must be on an approved FMLA before they can apply for intermittent/reduced leave longer than two (2) weeks. Leave that is taken on an intermittent or reduced schedule basis will be subtracted on an hour-to-hour basis from the twelve weeks allowed, i.e., an employee with a budgeted status of 24 hours per week would have an equivalent of 288 hours to use on an intermittent basis (24 hours x 12 weeks = 288 hours in a twelve month period.)

Employees who request an intermittent or reduced schedule leave may be temporarily transferred into an equivalent position and/or shift that may better accommodate recurring/intermittent periods of leave. In these instances, there will be no reduction in salary or benefit level. In some instances an employee may be eligible for Occupational Health Light Duty if approved to do so by their physician. All accrued sick leave benefit hours must be used prior to obtaining Light Duty assignment.

IV. Health Certification

The Ottumwa Public Library may require that a health care provider verify the severity of an employee or their family member's illness or condition, including when it commenced, its probable duration and the medical facts surrounding the illness or condition. Should the Library request a second opinion, all associated costs will be paid for by the Library. If there is a conflict between the first and second opinion, a third opinion may be sought. The Library and the employee will jointly select the third healthcare provider; the cost of the third opinion will be paid by the Library.

V. Use of Personal and/or Sick Leave Benefits

An employee must apply for FMLA at the onset of an incident that is no longer than two weeks duration. The use of paid-time-off benefits is optional and will not shorten amount of leave afforded by this Family and Medical Leave policy.

Except for maternity leave, if the reason for the FMLA is due to the employee's own serious health condition, accrued Sick Leave and/or Personal

Leave benefits may be used prior to the use of time under FMLA, thereby extending the time off to possibly greater than twelve weeks.

VI. Benefits Continuation

Employees will retain their eligibility and rights to the benefits level earned prior to the beginning of an approved Family and Medical Leave.

The City of Ottumwa will continue to pay the employer portion of the employee's group health premium (medical, dental, vision and life) if the employee was covered prior to beginning the FMLA. Employees should make prior arrangements with the Personnel Department for payment of the employee/dependent portion of their group health premiums, if applicable. Failure to pay the employee/dependent portion of their premiums may result in loss of coverage.

If an employee chooses not to return to work for reasons other than a continued serious health condition for circumstances beyond their control, the employee may be required to repay the premiums paid by the City of Ottumwa during the leave.

VII. Return to Work

Employees on leave must provide the Director with two weeks advance notice that they intend to return to work. Employees on leave for their own serious health condition must submit a return to work release from their physician listing restrictions, if any. If restrictions are listed and the Library cannot accommodate the employee, the employee may apply to Occupational Health for four week of light duty, if available.

Employees who return to work upon or before the completion of the twelve weeks are entitled to their former position or one that is equivalent. An equivalent position is one that is equal to pre-FMLA benefits, pay and other terms of employment. If leave exceeds twelve workweeks, a position is not guaranteed.

If, after twelve weeks (or the equivalent), the employee has not been released to return to work by their physician, they may elect to apply for a General Leave of Absence. When an employee obtains a release from their physician, they may elect to apply for any position for which they are qualified.

Date Revised: 13 November 2007

By: Ottumwa Public Library Board of Trustees

