

## **FMLA GUIDELINES FOR FRANKLIN TOWNSHIP COMMUNITY SCHOOL CORPORATION**

The federal Family & Medical Leave Act of 1993 (FMLA) as amended in 2008 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

### **ELIGIBILITY FOR FMLA LEAVE**

Employees are eligible for FMLA leave if they:

1. Have worked for the FTCSC for at least 12 months in the last 7 years;
2. Have worked at least 1250 hours for the FTCSC during the 12 calendar months immediately preceding the request for leave; and
3. Are employed at a work site that has 50 or more employees within a 75 mile radius.

Employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

### **BASIC FMLA LEAVE**

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12 month period for one of the following reasons:

1. To care for the employee's son or daughter during the first 12 months following birth;
2. To care for a child during the first 12 months following placement with the employee for adoption or foster care;
3. To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
4. For incapacity due to the employee's pregnancy, prenatal medical or child birth; or
5. Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

**Married couples:** In cases where a married couple is employed by the Franklin Township Community School Corporation, the two spouses together may take a combined total of 12 weeks' leave during any 12 month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

### **MILITARY FAMILY LEAVE**

There are two types of Military Family Leave available.

**1. Qualifying exigency leave:** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

- Short notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of leave)
- Attending certain counseling sessions

- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's active duty status)
- Other activities arising out of the service member's active duty or call to active duty and agreed upon by the FTCSC and the employee.

**2. Leave to care for a covered service member:** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered service member during a single 12 month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is on outpatient status; or is on the temporary disability retired list.

When both husband and wife work for Franklin Township Community School Corporation, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12 month period.

## **USE OF LEAVE**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the operations of Franklin Township Community School Corporation. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following the birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

## **PAY, BENEFITS, AND PROTECTIONS DURING FMLA LEAVE**

**Leave is unpaid:** Family medical leave is unpaid leave (although employees may be eligible for short or long term disability payments and/or worker's compensation benefits under those insurance plans) if leave is taken because of an employee's own serious health condition (although employees may be eligible for short or long term disability payments and/or workers' compensation benefits under those insurance plans).

**Substitution of paid time off for unpaid leave:** If an employee does not choose to substitute accrued paid leave, Franklin Township Community School Corporation will require the employee to substitute accrued paid leave for unpaid FMLA leave, as determined by the terms and conditions of the normal leave policies.

If an employee requests leave because of birth, adoption, or foster care placement of a child, any accrued personal leave, sick leave, emergency leave or vacation leave, first will be substituted for unpaid family/medical leave.

If an employee requests leave because of the employee's own serious health condition, or to care for a covered relation with a serious health condition, any accrued personal leave, sick leave, emergency leave or vacation leave, first will be substituted for unpaid family/medical leave.

The substitution of paid leave time for unpaid leave time does not extend the 12 week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave, i.e., accrued personal leave, sick leave, emergency leave or vacation if applicable.

For leave taken for a qualifying exigency, Franklin Township Community School Corporation will require substitution of any accrued personal leave, sick leave, emergency leave or vacation leave for unpaid FMLA

leave. The same rules apply as if the employee took FMLA leave to care for a family member with a serious health condition or for the birth or placement of a child.

For leave to care for a seriously injured or ill family member in the military, Franklin Township Community School Corporation will require substitution of any accrued personal leave, sick leave, emergency leave or vacation leave for unpaid FMLA leave. The same rules apply as if the employee took FMLA leave for his or her own serious health condition.

**Medical and other benefits:** During an approved family medical leave, Franklin Township Community School Corporation will maintain the employee's health, dental, and other benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, FTCSC will deduct the employee's portion of the plan premiums as a regular payroll deduction. If leave is unpaid the employee must pay his or her portion of the premiums on a bi-weekly basis by personal check or money order made payable to FTCSC and delivered to the Human Resources Department.

An employee's healthcare and all other coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, FTCSC will send the employee a letter to this effect. If FTCSC does not receive the co-payment within 15 days after the date of that letter, the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the FTCSC for the cost of the premiums paid by the FTCSC for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, FTCSC must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

**Return to job at end of FMLA leave:** Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

## **EMPLOYEE RESPONSIBILITIES WHEN REQUESTING FMLA LEAVE**

If the need to use FMLA leave is foreseeable, the employee must give FTCSC at least 30 days; prior notice of the need to take leave. When 30 days notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Human Resources department using the Request for FMLA Leave Form.

When submitting a request for leave, the employee must provide sufficient information for FTCSC to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform FTCSC if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

## **EMPLOYER RESPONSIBILITIES**

When an employee requests leave, FTCSC will inform the employee whether he or she is eligible under the FMLA, if the employee is, the employee will be given a written notice that includes details on any additional

information he or she will be required to provide. If the employee is not eligible under the FMLA, FTCSC will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA protected, FTCSC will inform the employee in writing and provide information on the amount of leave that will be counted against your 12 or 26 week entitlement.

### **MEDICAL CERTIFICATION**

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Human Resources department. When the employee requests leave, FTCSC will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after you request leave). If the employee provides at least 30 days; notice of medical leave, he or she should also provide the medical certification before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. FTCSC, at its expense may require an examination by a second healthcare provider designated by FTCSC, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, FTCSC, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

FTCSC may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

### **REPORTING WHILE ON LEAVE**

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact FTCSC every other week no later than Friday regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

### **INTERMITTENT AND REDUCED SCHEDULE LEAVE**

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, FTCSC will reduce the employee's salary based on the amount of time actually worked and may allow paid leave to make up for the full salary. In addition while an employee is on an intermittent or reduced schedule leave, the FTCSC may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.