

Warren-Newport Public Library District

Staff Manual

601 Leaves of Absence

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*Consolidation of policies 601 Medical Leave, 602 Family Leave, 606 Military Family Leave, and 607 Pregnancy-Related Absences

The Warren-Newport Public Library District (WNPLD) will provide Family and Medical Leave Act (FMLA) leave to its eligible employees. The Library posts the mandatory FMLA Notice on the Administration bulletin board located at the information hub, and provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act. This policy runs concurrent with the Family and Medical Leave Act (FMLA) leave.

Purpose

The purpose of FMLA is to provide a means for families to balance both work and medical or personal needs without sacrificing their job security. An employee may request FMLA for any of the following:

- to prepare for the birth of a child;
- to care for a newborn child;
- to adopt or begin a foster care placement of a child;
- to care for a spouse, child, or parent with a serious health condition;
- to care for the employee's own serious health condition; or
- to transition employees or spouses who are called to active military duty.

Eligibility

Employees may take up to 12 weeks of unpaid family/medical leave (FML) within a 12-month period and be restored to the same or an equivalent position upon return if all eligibility requirements are met. WNPLD uses a rolling backward benefit year, which is a rolling 12-month period, measured backward from the date an employee uses any FMLA leave. Eligibility requirements are as follows:

- The employee must have worked for WNPLD for at least 12 months.
- The employee must have worked at least 1,250 hours in the prior 12 months.
- WNPLD must employ 50 or more employees within a 75-mile radius of the Library.

Leave for the birth of a child, the care of a newborn child, or the adoption or placement for the foster care of a child must be completed within the 12-month period beginning on the date of birth or placement. In addition, spouses who are both employed by WNPLD who request leave for the birth of a child, the care of a newborn child, the adoption or placement for the foster care of a child, or to to care for an ill parent may only take a combined aggregate total of 12 weeks leave for such purposes during any 12-month period.

Employees who are not eligible for leave may be granted unpaid leave at the discretion of the Executive Director. If non-eligible employees wish to return to work at the expiration of the leave, the employee is not necessarily entitled to return to the same position or to an equivalent position with equal pay, benefits, and other terms and conditions of employment.

Paid Parental Leave

The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. Regular full-time and part-time employees who meet Family Medical Leave (FML) eligibility requirements above are also eligible to apply for up to 6 weeks of paid parental leave following the birth or adoption of a child. Temporary employees are not eligible.

If the need for leave is foreseeable, the employee must submit a written leave request to their supervisor and the Human Resources Associate at least 30 days prior to the start of the leave in the form of a proposed schedule of leave. Where the need for leave is not foreseeable, the employee must submit a written leave request to the supervisor and Human Resources Associate as soon as practicable in the form of a proposed schedule of leave.

Eligible employees will receive a maximum of 6 weeks of paid parental leave per birth or adoption of a child or children aged 17 or younger. Multiple births or adoptions, such as the birth of twins or adoption of siblings, do not increase the 6-week total amount of paid parental leave granted for that occurrence. In addition, an employee will not receive more than 6 weeks of paid parental leave in a rolling 12-month period, regardless of whether more than one birth or adoption event occurs within that 12-month time frame. When both parents are eligible employees, both parents may request to use up to 6 weeks of paid parental leave, which may be taken concurrently or consecutively. The adoption of a child by a new spouse is excluded from this policy.

Paid parental leave time begins and runs concurrent with the 12-week FMLA allotment. Once paid parental leave time is exhausted, employees must use their accrued sick time and may also use floating holidays and vacation time. Employees must use paid parental leave within 6 months following the start of the approved FMLA coinciding with the birth or adoption of a child. Any unused paid parental leave will be forfeited at the end of the 6-month time period. Paid parental leave is compensated at the employee's current hourly rate based on the employee's normally scheduled weekly work hours as defined by their current job. Paid parental leave will be paid on regularly scheduled pay dates. All standard payroll taxes, and standing deductions (such as IMRF and/or insurances) will apply. Upon separation of employment, the employee will not be paid for any unused paid parental leave for which he or she was eligible.

Military Family Leave

If an employee is eligible, the employee may use the 12-week FML entitlement to take military family leave. Military family leave may be used to address certain qualifying exigencies related to the covered active duty or call to covered active duty of a spouse, son, daughter, or parent. Qualifying exigencies may include: 1) attending certain military events; 2) arranging for alternative childcare; 3) addressing certain financial and legal arrangements; 4) attending

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certain counseling sessions; 5) addressing issues related to short-notice deployment; 6) spending time with a covered family member who is resting and recuperating; 7) attending post-deployment briefings; and 8) for certain activities relating to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.

An employee may also be eligible for up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. *This single 12-month period begins with the first day the employee takes the leave.* A covered servicemember includes: 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties for which the servicemember is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or 2) a servicemember who is on the temporary disability retired list; or 3) a covered veteran, meaning one who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and: (i) was a member of the Armed Forces (including a member of the National Guard or Reserves); (ii) was discharged or released under conditions other than dishonorable; and (iii) was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran.”

Employees may not be granted FML to gain employment or work elsewhere, including self-employment. If an employee misrepresents facts in order to be granted an FMLA leave, the employee may be subject to immediate termination.

The Illinois Family Military Leave Act provides eligible employees with up to 30 days of unpaid family military leave to visit with a spouse, child, parent, or grandchild who has been called into military service for a period lasting longer than 30 days.

Notice of Leave

If the FML is foreseeable, employees must give their manager and the Human Resources Associate at least 30 days' notice. Failure to provide such notice may be grounds for delay of the leave. Where the need for leave is not foreseeable, employees are expected to notify their manager and the Human Resources Associate as soon as practicable and, absent unusual circumstances, in accordance with WNPLD's normal leave procedures.

Medical Certification for Serious Health Conditions

If the employee is requesting leave because of the employee's own or a family member's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. The medical certification must be provided within 15 days after it is requested, or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

WNPLD, at its expense, may require an examination by a second health care provider designated by WNPLD if it reasonably doubts the initial medical certification. If the second health care provider's opinion conflicts with the original medical certification, WNPLD, at its

expense, may require a third, mutually agreeable health care provider to conduct an examination and provide a final and binding opinion.

WNPLD may require medical recertification periodically during the leave. Employees returning to work following a leave for their own illness may be required to present a fitness for duty verification specifying that the employee is fit to perform the essential functions of the job.

Certification for a Qualifying Exigency

A “qualifying exigency” arises out of the foreign deployment of the employee’s spouse, child, or parent. Eligible employees may take FMLA leave for a qualifying exigency while the military member is on covered active duty, call to covered active duty status, or has been notified of an impending call or order to covered active duty. An employee requesting leave because of a qualifying exigency must supply a copy of the covered military family member’s active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or call to active duty (including the dates of the active duty service). WNPLD may also request additional information pertaining to the leave.

Certification for Servicemember Family Leave

If an employee is requesting leave because of the need to care for a covered servicemember with a serious injury or illness, WNPLD may require the employee to supply certification completed by the covered servicemember’s authorized health care provider. In addition, WNPLD may also request additional information pertaining to the leave.

Certification for Serious Injury or Illness of a Veteran

If an employee is requesting leave because of the need to care for a covered veteran with a serious injury or illness, WNPL may require the employee to supply certification completed by the covered veteran’s authorized health care provider. In addition, WNPLD may request additional information pertaining to the leave.

Substitution of Paid Leave

Family/medical leave (FML) is unpaid leave. If an employee requests leave for any reason covered by FMLA, the employee will be required to exhaust any remaining applicable paid time. The exhaustion of this paid leave does not extend the leave period. In addition, when an employee is eligible for any additional paid leaves, such as short term/long term disability or worker’s compensation, these leaves will also run concurrently with FML (where appropriate) and will not extend the leave period. When using paid leave in conjunction with FML, employees must comply with the requirements of the applicable paid leave policy.

Benefits During Leave

During an approved FML, WNPLD will maintain the employee’s health benefits as if the employee continued to remain actively employed subject to the terms, conditions, and limitations of the applicable plans. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during leave and will resume upon return to active employment.

Intermittent Leave

Leave because of a serious health condition, to care for a servicemember with a serious injury or illness, or because of a qualifying exigency may be taken intermittently (in separate blocks of

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time due to a single covered health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if necessary. If leave is unpaid, WNPLD will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced scheduled leave, WNPLD may temporarily transfer the employee to an available alternate position which better accommodates the recurring leave and which has equivalent pay and benefits. A fitness for duty certification may be required to return from an intermittent absence if reasonable safety concerns exist concerning the employee's ability to perform job duties.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, WNPLD may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. If an employee gives notice of his or her intent not to return to work, then an employer's obligation to restore the employee and maintain health benefits cease (subject to COBRA obligations). If an employee gives no notice of his or her intent to return to work upon the expiration of the leave, the Warren-Newport Public Library District will assume that the employee has resigned.

Job Restoration

If the employee wishes to return to work at the expiration of the leave, the employee is entitled to return to the same position or to an equivalent position with equal pay, benefits, and other terms and conditions of employment. If the employee takes leave because of the employee's own serious health condition, the employee is required to provide medical certification that the employee is fit to perform the essential functions of the job. Employees failing to provide the certification will not be permitted to resume work until it is provided.