



Family and Medical Leave Act (FMLA)

Consistent with the Family and Medical Leave Act of 1993 (Public Law 103-3), the Board of Trustees of the Lindenhurst Memorial Library effective February 5, 1994, shall provide for twelve (12) weeks of unpaid leave in a twelve (12) month period for eligible employees. An eligible employee is an employee who has been employed by the Lindenhurst Memorial Library for at least twelve months and has worked at least 1,250 hours during the twelve months preceding the leave request.

An eligible employee is entitled to take unpaid leave for a period of time not to exceed 12 weeks for the following reasons; a) for incapacity due to pregnancy, prenatal medical care or child birth; b) to care for the employee's child after birth or placement for adoption or foster care; c) to care for the employee's spouse, son, daughter or parent who has a serious health condition; or d) for a serious health condition that makes the employee unable to perform the employees job. Leave under this policy must be taken within one year of the birth or placement of the employee's child. Leave may also be used by eligible employees whose spouse, son, daughter or parent is on covered active duty or is called to covered active duty to address certain qualifying exigencies. FMLA also includes a special entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member with a serious injury or illness during a single 12 month period. If both spouses are employed by the Lindenhurst Memorial Library, the total amount of time for family leave shall not exceed a combined total of 12 weeks.

Under this policy and pursuant to the act, a son, daughter, or child shall be defined as any individual, whether biological, adopted, a foster child, a stepchild, legal ward, or a child standing in Loco Parentis who is under eighteen (18) years of age or, if over eighteen (18), is incapable of self-care due to a mental or physical handicap. A parent shall be defined as a biological parent of the employee or an individual who stood in Loco Parentis to the employee when she/he was a daughter/son. Furthermore, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves in-patient care or continuing treatment by a health care provider.

The Lindenhurst Memorial Library will use the 'measure forward' method to establish the 12

month period. The 12 month period will begin on the first day FMLA leave is taken.

APPLICATION FOR LEAVE:

All library employees are obligated to notify the Director of his/her request for family or medical leave using a form designated by the Director at least thirty (30) days prior to the date when the leave is to begin, when such leave is foreseeable. If such leave is not foreseeable, then notice shall be given as early as practicable. If the employee requests medical leave, reasonable attempts shall be made to schedule treatment so as not to disrupt the operations of the library or its ability to provide services to library patrons.

INTERMITTENT LEAVE:

An employee who requests family leave, shall not be provided intermittent leave or a reduced leave schedule unless the employee and the library, through the Director or the Director's designee, mutually agree. Intermittent leave may be provided for medical leave, however, the library may, at its sole discretion, transfer the employee to a comparable position if, in its sole discretion as determined by the Director or the Director's designee, it will better accommodate such intermittent periods of leave and provide for a minimal disruption to library operations and the provisions of services to the public. Leave cannot be taken in less than 3.5 hour blocks, 4 hours for custodians.

CERTIFICATION OF NEED FOR LEAVE:

An employee requesting leave is required to present a certification from the health care provider of the person for whom the employee is taking such leave. The request for leave must be in writing on a form prescribed by the library director, and submitted in a timely manner to the Director's Office. The certification from the health care provider shall include:

- 1) the date on which the serious health condition commenced;
- 2) the probable duration of the condition;
- 3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
- 4) a statement that the employee is needed to care for the family member and an estimate of the amount of time that such employee shall be needed, or a statement that the employee is unable to perform the functions of the employee's position; and
- 5) the dates and duration of medical treatment if the request is for intermittent leave for a planned medical treatment.

If the Board and/or Director doubt the validity of the certification provided for a medical leave, then, at the library's expense, a second opinion may be required from a health care provider selected by the Library Board or the Director. If the two opinions conflict, a third health care provider shall be chosen by the two parties to render a final opinion at the library's expense.

DENIAL OF RESTORATION:

The library reserves the right to deny restoration to an employee who is among the highest paid ten percent (10%) of the library's employees if: a) such a restoration will result in a substantial and grievous economic injury to the library, b) the library notifies the employee of its intent not to restore him/her when the library determines such injury would occur, and c) such notice is written, and delivered to the employee either personally or via certified mail, return receipt requested, before the employee commences the leave.

BENEFITS DURING LEAVE:

Any employee who uses leave under this policy may be required to use accrued paid vacation, personal, or sick time leave for some or all of the FMLA leave period. Sick time will not accrue while employee is on leave and vacation time will be pro-rated the following fiscal year. The maintenance of benefits shall remain in effect during the course of this leave, provided that this leave does not exceed 12 weeks in a 12 month period, and provided that the employee returns from the leave, unless such failure to return is a result of the continuation, recurrence, or onset of a serious health condition, or is due to circumstances beyond the control of the employee. Employees who normally have insurance premiums deducted from their paychecks will need to continue payment of the premiums directly to the library during their leave in order to maintain insurance coverage. Any eligible employee who uses FMLA leave may, upon return from the leave, be returned to an equivalent position in accordance with Board Policies and the collective bargaining agreement.

EMPLOYEE'S FAILURE TO RETURN:

The library reserves the right to seek recovery of the health care premiums paid for the employee during the leave when the employee fails to return from either a family or medical leave. However, recovery of health insurance premiums cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition, retires at the end of the medical leave, or fails to return due to circumstances beyond the

control of the employee.

EFFECT ON EXISTING LAWS OR AGREEMENTS:

Any collective bargaining agreement which contains greater leave benefits than this policy shall remain in force. Any collective bargaining agreement which does not meet the requirements of the Family and Medical Leave Act shall be considered modified to comply with the Act effective February 5, 1994.

NOTICE OF ACT:

The Director or his/her designee shall post a notice prepared or approved by the Secretary of Labor stating the pertinent provisions of the Family and Medical Leave Act, including information concerning enforcement of the law, in that place where notices are customarily posted within the library.

Adopted: December 1993
Revised: June 2019



Lindenhurst Memorial Library Family and Medical Leave Act (FMLA) Request Form

All request forms are to be submitted at least 30 days prior to a qualifying event when the event is foreseeable or as soon as possible when the event is not foreseeable. Request forms must be approved by the Director and Board of Trustees. All leave requests will need follow-up certification forms completed prior to approval. Employees will be notified once leave requests are approved.

Part I: Employee Information

Employee Name:	Title:	Department:
Address:		
Email:	Phone #:	

Part II: Reason for Leave Request (Check One)

<input type="checkbox"/> Birth of Child	Due Date:
<input type="checkbox"/> Placement of Child for Adoption or Foster Care	Expected Arrival Date:
<input type="checkbox"/> Serious Health Condition of Employee	
<input type="checkbox"/> Serious Health Condition of a Family Member	Relationship:
<input type="checkbox"/> For any qualifying exigency arising out of your spouse, son, daughter or parent being a military member on active duty	Relationship:
<input type="checkbox"/> To care for a covered servicemember with a serious injury or illness who is your spouse, son, daughter or parent	Relationship:

Date requested leave is to begin: work:	Date you expect to return to work:
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Would you like the Board of Trustees and Library Director to consider intermittent leave or a reduced work schedule?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, please explain:

- I understand that I will be responsible to continue payment of any and all deductibles for any and all health benefits or other payroll deductions during my FMLA leave and that all payments are to be made directly to the library in a timely manner designated by the library.
- I understand that I am responsible for notifying Human Resources immediately of any changes during my leave.

Part III: Approval

Director Signature:	Print Name:	Date:
Board of Trustees President Signature:	Print Name:	Date: