

Family Medical Leave Act (FMLA) Policy

_____ hereby adopts the Family and Medical Leave Act (FMLA), (29 USC 2600). FMLA, and E.O. 12816, Sec. 3(i) (Rules Sec. 1-14(c)), require that employees be treated without unlawful discrimination on the basis of sex, as well as the promotion of equal employment opportunity for men and women in the terms and conditions of employment.

Pursuant to the FMLA and its implementing regulations, 29 CFR, Part 825, as of August 5, 1993, employees are allowed to balance their work and family life by taking reasonable unpaid leave for certain specific reasons.

Employer Coverage:

The FMLA applies to all private sector employers who employ 50 or more employees for at least 20 work weeks in the current or preceding calendar year and who are engaged in, or affect, commerce - including joint employers and successors of covered employers.

Employee Eligibility:

To be eligible for FMLA benefits, an employee must:

- (1) work for a covered employer;
- (2) have worked for the employer for at least a total of 12 months;
- (3) have worked at least 1,250 hours over the prior 12 months; and,
- (4) work at a location where at least 50 employees are employed by the employer within 75 miles.

Leave Entitlement:

A covered employer must grant an eligible employee up to a total of 12 work-weeks of unpaid leave during any 12 month period for one or more of the following reasons:

- (1) for the birth or placement of a child for adoption or foster care;
- (2) to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- (3) to take a medical leave when the employee is unable to work because of a serious health condition.

Job Benefits and Protection:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan." Upon return from FMLA leave, an employee (unless designated as a "Key" employee who is salaried among the highest ten percent of employees within 75 miles of the worksite) must be restored to his or her original or equivalent position with equivalent pay, benefits, and other employment terms and conditions. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Notice and Medical Certification:

Employees seeking to use FMLA leave may be required to provide:

- (1) 30 day advance notice of the need to take FMLA leave when the need is foreseeable;
- (2) medical certifications supporting the need for leave due to a serious health condition affecting the employee or an immediate family member;
- (3) second or third medical opinions and periodic recertification, at the employer's expense;
- (4) periodic reports during FMLA leave on the employee's status and intent to return to work; and,
- (5) a "fitness-for-duty" certification to return to work.

The FMLA makes it unlawful for any employer to:

- (1) interfere with, restrain, or deny the exercise of any right provided under FMLA;
- (2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Name

Title

Signature

Date