

### Family and Medical Leave Act (FMLA)

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#### Applicability

This policy applies to LSS employees. SSP employees will follow the Department of Education's policy.

#### Policy Statement

It is the policy of SSD to comply with the provisions of the Family and Medical Leave Act (FMLA). A copy of the FMLA statute is available in the Human Resources Office.

FMLA may be available to eligible employees who have a serious health condition; for the birth of a child; for placement of a child with the employee for adoption or foster care; to care for the employee's spouse, child, or parent who has a serious health condition; or due to a qualifying exigency for military family leave.

Common sick leave absences, such as for a cold, the flu, upset stomach, regular doctor or dental appointments or checkups, etc., normally do not qualify as a serious health condition.

FMLA leave is charged against accumulated applicable leave balances. If no accumulated leave is available, the employee will be on leave without pay. 1.5 K-Time leave may only be used during FMLA leave at the request of the employee. For employees on continuous FMLA leave, holidays and closures do not interrupt FMLA leave unless the closure is for a week or more. For employees on intermittent FMLA leave, holidays do not interrupt the FMLA leave unless the employee was otherwise scheduled and expected to work the holiday.

#### Eligibility

Eligibility is based on having been employed for 12 months and actually having worked 1,250 hours in the previous 12 months.

#### Notification

- Employee

An employee who believes he/she qualifies for FMLA must give sufficient notice to his/her Supervisor, Department or Division Head as set forth in the law.

- Supervisor, Department or Division Head

Any Supervisor who becomes informed of a possible absence for a FMLA reason, including when an employee frequently calls in sick or is currently on leave that has extended for a period of time (more than three consecutive days), shall inform Human Resources of the situation and direct the affected employee to meet with HR.

Employees are obligated to notify employers when FMLA leave is anticipated or needed. Employers are obligated to place eligible employees on FMLA leave. SSD may place employees on provisional FMLA when Human Resources believes the employee is eligible for FMLA, pending receipt of confirmation from a health care provider or military documentation.

### **Approval and Tracking**

HR will notify the employee and Supervisor of interim and final approval or denial of a FMLA request. The Supervisor must track the cumulative number of days and hours of approved FMLA leave taken during the 12-month period from the date the FMLA leave became effective. The Supervisor must notify the employee and HR when an employee is within the last two weeks of the 12 weeks allowed under FMLA.

### **Return to Work**

In order to return to regular job duties, an employee who has been approved for FMLA for his/her own serious health condition, and has been absent from work for six or more consecutive days, must present to the Supervisor a "Return to Work" release from their physician. The Supervisor must give HR a copy of this report upon its receipt.

### **Consequences**

- Employee

A FMLA request can be delayed, denied or ended if an employee fails to:

- comply with requests to provide documentation or reports, such as for medical certification, re-certification or release; or documents concerning a family member's eligibility
- provide (in the established timeframe) other requested documentation

Falsification of any information provided about a FMLA request, failure to provide required documentation, or failure to return to work from a FMLA absence may subject an employee to appropriate disciplinary action up to and including termination.

- Supervisor, Department or Division Head

A Supervisor, Department or Division Head who has knowledge of a FMLA request or an absence that appears to qualify under FMLA, or knowledge of an approved FMLA request, and who does not complete his/her duties to report the absence to Human Resources may be subject to counseling or disciplinary action.