

SH 200 Benefits

SH 221 Family and Medical Leave

Revised: 12/02, 7/06, 1/09, 6/09

Policy

The Family and Medical Leave policy ensures that the Metropolitan Library System has established a set of rules, procedures and guidelines in accordance with federal law and regulations governing Family and Medical Leave.

Regulations

1. Family and Medical Leave

Definitions – All definitions and terms used in reference to Family and Medical Leave are established by federal law and regulations and, in case of disagreement with those elsewhere in the leave policy, are governing for FMLA. For non-FMLA applications, the definitions elsewhere in this policy are governing.

- Benefits – all programs such as group life insurance, health insurance, disability insurance, sick leave, annual leave, retirement pension, educational benefit regardless of whether the benefits are provided by a practice or written policy of the library system or through an employee benefit plan.
- Health care provider – anyone designated by the U.S. Secretary of Labor to be capable of providing health care services.
- Parent – biological parent or person charged with the duties and responsibilities of a parent excluding parent-in-law.
- Son or daughter – a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, any one of whom is younger than 18 years old, or is 18 years old or older and incapable of self-care because of a mental or physical disability. Military exigency leave and military caregiver leave under the FMLA have no age limit for the child.
- Spouse – husband or wife as recognized by Oklahoma law for marriage.
- Serious health condition – an illness, injury, impairment or physical or mental condition that involves: 1) inpatient care in a hospital, hospice or residential medical facility or 2) continuing treatment by a health care provider as defined in the act.

a) Category 1 Employees

- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
- ii) Earn Rate: NA
- iii) Explanatory Notes:

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- (1) An eligible employee may take up to 12 weeks (480 hours if taken intermittently) of leave during any 12 month period* for:
- the birth of a child
 - the placement of a child with the employee for adoption or foster care
 - to care for a spouse, son, daughter or parent with a serious health condition
 - Because of the employee's own serious health condition.

Note: **Any 12 month period is interpreted as 12 months following the end of the last twelve weeks of Family and Medical Leave, whether continuous or intermittent.*

- (2) Leave for adoption, foster care, or birth of a child generally may not be taken intermittently or on a reduced schedule unless the supervisor and the employee agree to such an arrangement. An intermittent or reduced leave schedule may be taken for leave related to serious health conditions, if such an arrangement is medically necessary. If an employee requests this intermittent or reduced leave, based on planned medical treatment, the library system may require that the employee transfer temporarily to another job with equivalent pay and benefits that better accommodate the employee's need for recurring periods of leave.
- (3) As a part of the 12-week, any accumulated annual sick leave and any accumulated annual vacation leave must be used by the employee.
- (4) When both husband and wife work for the library system, the full amount of leave is limited to an aggregate of 12 weeks when the leave is for the birth, adoption or foster care of a child or to care for a sick parent. However, if the reason is the illness of a child or either spouse, each spouse is entitled to 12 weeks of leave.
- (5) The request for leave must be supported by a health care provider's certification of the medical condition of the person affected. Employees must provide this certification within 15 calendar days, unless it is not practicable to do so under the circumstances. The certification should be in a format acceptable to the Human Resources Office and contain sufficient information to meet the requirements or on the U.S. Department of Labor form.

The benefits section of the Human Resources Office will review the certification. A written approval/non approval response will be sent within five business days to the employee by the Human Resources Office. If the form is incomplete, a request will be sent to the employee who is then given seven calendar days to provide the completed form.

If the Director of Human Resources has reason to doubt the validity of the

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original certification, the library system may require a second opinion – paid for by the library system – from a health care provider who is designated or approved by the library system.

The employee may obtain a third opinion--at the library system's expense – when the second opinion differs from the first. The health care provider for the third opinion must be someone designated or approved by the library system. This third opinion is considered final and binding on both the library system and the employee.

- (6) An employee returning from FMLA qualifying personal illness or injury leave may be required to provide a fitness for duty certification (as allowed and described in the Act) from the medical care provider treating the employee.
- (7) The employee, on return from leave, is entitled to his or her former position, or an equivalent position, with equivalent employment benefits, pay and other terms and conditions of employment.
- (8) An employee on family and medical leave will not lose any benefits that accrued before the leave began; however, an employee will not be eligible to use any leave accrued during the absence until the employee has returned to work.
- (9) Group health/dental insurance plan coverage will be continued during the leave at the same level and conditions of coverage that would have been provided had the employee not taken leave. The Library System will continue to contribute the library's share of premiums during the leave. The library system may recover its share of premiums for the employee during unpaid leave when the employee does not return from leave for reasons other than a continuation, recurrence or onset of a serious health condition.

b) Category 2 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA
- iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program

c) Category 3 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA
- iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees

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are not granted by provisions of this leave program

2. Military Family Leave Entitlements under Family and Medical Leave

Definition – Exigency Leave may occur when a qualifying exigency (emergency) arises out of the fact that a spouse, son or daughter, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves. Qualifying Exigency includes one or more of the following:

- Short notice (seven days or less) deployment
- Military events and related activities
- Alternative childcare arrangement
- School activities (excluding sporting events)
- Financial and legal arrangements
- Counseling provided the need for counseling arises from the active duty or call to active duty status
- Rest and recuperation up to five days
- Post-deployment activities conducted within 90 days of the termination of active duty status
- Additional activities resulting from the active duty or call to active duty status that the employer or employee have agreed upon.

a) Category 1 Employees

- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
- ii) Earn Rate: NA
- iii) Explanatory Notes:
 - (1) An eligible employee may take up to 12 weeks (480 hours if taken intermittently) of leave during any 12 month period. Any 12 month period is interpreted as 12 months following the end of the last twelve weeks of Family and Medical Leave, whether continuous or intermittent.
 - (2) For qualifying military exigency leave, annual leave and floating holiday time, but not sick leave, may be used to prevent loss of pay.

b) Category 2 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA

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- iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program

c) Category 3 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA
- iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees are not granted by provisions of this leave program

3. Military Caregiver Leave under Family and Medical Leave

Definition – Military Caregiver Leave for the care of a spouse, son or daughter, parent, or next-of-kin (as defined in the act) of a covered service member, or for a qualifying service member on a temporary disability retired list who has incurred a serious illness in the line of duty on active duty.

a) Category 1 Employees

- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
- ii) Earn Rate: NA
- iii) Explanatory Notes:
 - (1) The caregiver leave applies on a per-covered service member, per-injury basis so that an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or to care for the same member with a subsequent (different) serious injury or illness.
 - (2) An eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA qualifying reason during the 12 month period. If 12 weeks of FMLA qualifying leave is taken by the employee for other than military caregiver purposes, only 14 weeks remain available for military caregiver purposes. However, if only 12 weeks of military caregiver leave is taken, the employee is eligible for no more than 12 weeks of non caregiver purposes.
 - (3) If an employee does not take all of his or her 26 weeks of Military Caregiver leave to care for a covered service member during the single 12-month period (as defined by the act), the remaining part of his or her 26 weeks is forfeited.

b) Category 2 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other

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provisions for establishing categories.

- ii) Earn Rate: NA
- iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program
- c) Category 3 Employees
 - i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
 - ii) Earn Rate: NA
 - iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees are not granted by provisions of this leave program