

Family and Medical Leave Act

This Act became effective August 5, 1993. Employees are eligible for coverage under the Act if they worked at least 1,250 hours during the preceding 12-month period AND they have been employed by the employer for at least a 12-month period.

This Act establishes up to 12 weeks of UNPAID leave each year for employees who qualify due to:

- the birth and care of a child,
- adoption or foster care of a child,
- the need to care for a spouse, child, or parent with a serious health condition, or
- a serious health condition that makes the employee unable to perform the function of his/her position.

Federal law and regulations governing family and medical leave for employees with members in the service became effective July 15, 2009. The law provides for:

- 26 weeks of unpaid family and medical leave (military caregiver leave) to care for a family service member with a serious injury or illness.
- 12 weeks of unpaid family and medical leave (exigency leave) for employees whose family member is called to active duty or on call to active duty status.

An employee will be required to substitute applicable and available paid leave for unpaid family and medical leave if such leave is provided in the employee's terms and conditions of employment. Leave for an employee's serious health condition including workers' compensation leave (to the extent that it qualifies) will be designated as FMLA leave and will run concurrently with FMLA leave. The agency will not provide paid leave in any situation in which the agency would not normally provide any such paid leave. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules and regulations prior to starting family and medical leave.

For purposes of this policy, *year* is defined as a 12-month period measured forward from the date the employee's first FMLA leave commenced.

The employer is required to maintain benefits that the employee has accrued prior to commencement of this leave. The employee is not entitled to the accrual of benefits, including seniority benefits (unless provided otherwise in employee's terms and conditions of employment), during a period of absence (if they are on unpaid leave) under this Act. If the employee has been covered by the medical and dental fringe benefits immediately prior to this leave, the AEA will continue to pay the same portion of those premiums during the leave the AEA has been previously paying.

If you have questions, please contact the Assistant Chief Administrator/Director of Human Resources. All applications for leave under this Act should be forwarded to the Assistant Chief Administrator/Director of Human Resources with a copy to your immediate supervisor. Application forms can be obtained from the Human Resources Office.

If you believe Central Rivers AEA has failed to comply with the provisions of this Act, you may file a complaint pursuant to the provisions of Board Policy 404.4.

Adopted: 12-08-10
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