

FAMILY AND MEDICAL LEAVE

The federal Family and Medical Leave Act (FMLA) provides generally that an eligible employee is entitled to up to 12 weeks of leave during any 12 month period for the birth, adoption, or foster placement of a child; to care for a spouse, son, daughter or parent with a serious health condition; or, when the employee is unable to work because of the employee's serious health condition.

To be eligible, an employee must:

1. have been employed for at least 12 months when the leave commences and
2. have worked at least 1,250 hours in the 12 previous months.

In administering the FMLA, the employer will abide by the following:

1. The "12-month period" for purposes of the FMLA referred to above shall be a rolling 12 month period measured backward from the date an employee uses an FMLA leave.
2. Employee requesting leave shall provide at least 30 days notice whenever such leave is foreseeable.
3. Whenever an employee is absent for five consecutive days, the employee will be asked to provide information needed to determine whether the leave is for an FMLA-qualifying purpose.
4. All leave taken for FMLA-qualifying purposes shall be counted toward employees' FMLA entitlement. Any employee taking leave under FMLA shall concurrently use any applicable paid leave available under existing policies or agreements, provided the employee meets all requirements for such paid leave. After such paid leave is exhausted, the balance of the FMLA leave shall be unpaid.
5. The employer will continue to pay its share of the employee's health insurance premium while the employee is on unpaid FMLA leave. The employee must pay his/her share of the premium on a monthly basis as directed by the administrative office.
6. Before returning to work, employees taking FMLA leave for their own serious health condition shall submit a certificate from a health care provider indicating they are able to return to work and perform the essential functions of the position.
7. Employees who are not eligible for FMLA leave may be eligible for up to 10 weeks of unpaid family or medical leave during any two-year period under the Maine Family Medical Leave Act.

Legal Reference: 26 U.S.C. Section 2601 et. seq.
29 C.F.R. Part 825
26 M.R.S.A. Section 843 et. seq.

Adopted by the Wells-Ogunquit C.S.D. School Committee: 03/06/96