

Family and Medical Leave Act

The Family and Medical Leave Act of 1993 requires that the North Babylon Public Library provides its employees with up to twelve (12) weeks of unpaid family and medical leave within any twelve (12) month period. Through the FMLA, Congress established a minimum labor standard to balance the demands of the workplace with the needs of families.

Those employees who have been employed for a total of at least twelve (12) months and who have provided at least 1,250 hours of service during the twelve (12) months prior to leave requested are eligible for the leave. Eligible employees are entitled to twelve (12) work weeks of paid or unpaid leave during any twelve (12) month period for the birth of a child to an employee or the placement for adoption or foster care of a child with the employee; to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job. The FMLA requires that employees who take such leave for a new child must do so within twelve (12) months of the arrival of the child.

An employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met. An employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable." An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness-for-duty report to return to work.

In situations relating to an employee taking medical leave, either his or her own or a family member's serious health condition, when the leave is foreseeable based on planned medical treatments, leaves are to be scheduled so as not to "disrupt unduly the operation of the North Babylon Public Library." Employees needing intermittent leave or leave on a reduced schedule must attempt to schedule leave so as not to disrupt the Library's operation.

An employee is required to provide medical certification of the need for the leave. This form (WH-380) is available in the business office.

For the duration of FMLA leave, the employee's health coverage shall be maintained with the employee paying his or her normal share of the coverage for the period, in the normal payment routine. If the employee does not return to work, arrangements will be made to recover the employer and employee's unpaid share of premiums paid during the unpaid FMLA leave.

The twelve (12) month period in which employees are entitled to take leave is a rolling period which begins on the first date the employee takes the FMLA leave. No FMLA leave may exceed twelve (12) workweeks during a twelve (12) month period.

The Library will document FMLA leave with the employee by sending a confirmation letter, sample below, to the address of record within two business days of FMLA request. Highlighted sections will be specified.

On January 28, 2008, President Bush signed into law, the National Defense Authorization Act ("NDAA"). The NDAA amends the FMLA to permit a qualifying employee to take up to twenty-six (26) workweeks of unpaid leave during a twelve (12) month period to care for a spouse, child, parent or next of kin in the Armed Forces (including the reserves and National Guard) who "is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." As used in this provision, a "serious injury or illness" is one suffered while on active duty "that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating." This new leave entitlement takes effect immediately.

Another significant statutory change contained in the NDAA is a provision that authorizes an employee to take up to twelve (12) weeks of unpaid leave for "any qualifying exigency" arising out of the employee's spouse, child or parent's activity duty (or notification of an impending call or order to active duty) in the Armed Forces in support of certain military operations. The U.S. Department of Labor has confirmed that this amendment will have the force of law once the Secretary of Labor has issued regulations defining the term "any qualifying exigency."

Inclusions:

WH-380

The Employees Guide to The Family and Medical Leave Act

Approved by the Board of Trustees, January 2000

Updated and approved by the Board of Trustees, October 16, 2007

Updated and approved by the Board of Trustees, February 19, 2008

Updated and approved by the Board of Trustees, July 17, 2012

January 2, 2007

Employee
Address of Record
North Babylon, New York 11703

Dear Employee,

On January 1, 2007, you notified the North Babylon Public Library of your need to take family/medical leave due to:

- The birth of a child, or the placement of a child with you for adoption or foster care; or
- A serious health condition that makes you unable to perform the essential functions for your job; or
- A serious health condition affecting your spouse/child/parent, for which you are needed to provide care; or
- A National Defense Authorization Act issue.

You notified the Library that you need this leave beginning on January 2, 2007 and that you expect leave to continue until on or about March 1, 2007.

Except as explained below, you have a right under the FMLA for up to 12 weeks of paid or unpaid leave in a 12 month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or equivalent job with the same pay, benefits and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you will be required to reimburse the Library for the Library's share of health insurance premiums and any other premiums paid on your behalf during your FMLA leave.

- You are/are not eligible for leave under FMLA.
- The requested leave will be counted against your annual FMLA leave entitlement.
- You are required to furnish medical certification (i.e. WH-380) of a serious health condition by January 17, 2007 (at least 15 days) and return a signed copy of this letter or we will delay the commencement of your leave until certification is submitted.
- You are required to exhaust all accrued paid leave before unpaid leave.
- If you pay a portion of the premiums for your health insurance, these payments must be continued during the period of FMLA leave. The payment schedule will be identical to staff who are not on FMLA leave, every other Friday. If your payment is not made in a timely manner, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health insurance will lapse. We will do the same for any other benefits. Should you not return to work, the Library will demand reimbursement for all payments made on your behalf.

- You will be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is not submitted, your return to work will be delayed until certification is provided.
- The Library does not offer "light duty."
- You are/are not a "key employee": If you are a key employee restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the employer. The employer has not determined that restoring the employee to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to the Library.
- While on leave you will be required to furnish the Library with periodic written reports every 30 calendar days of your status and intent to return to work. If the circumstances of your leave changes and you are able to return to work earlier than the date indicated above, you will be required to notify the Library at least 2 days prior to the date you intend to report for work.
- You will be required to furnish recertification relating to a serious health condition.

Please sign one copy of this letter and return it to the Library. One copy is for your records.

Good luck. I wish you the best.

Sincerely,

Marc D. Horowitz

Employee

Date