

OKOLONA FIRE PROTECTION DISTRICT

FAMILY MEDICAL LEAVE ACT (FMLA) POLICY

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Effective Date:

09/08/2022

Supersedes Editions:

ALL PRIOR

Category:

Administrative

FAMILY MEDICAL LEAVE ACT (FMLA)

Eligibility

All full-and part-time employees who have been employed by Okolona Fire Protection District (OFPD) for at least twelve months, not necessarily consecutively, and have worked a minimum of 1,250 hours during the immediately preceding twelve months are eligible for an UNPAID leave of absence under this policy.

Policy Statement

In accordance with the Family and Medical Leave Act of 1993 (FMLA) and subsequent revisions, OFPD will grant eligible employees up to twelve weeks of unpaid leave during a twelve-month period for any of the following reasons: (1) to care for the employee's child within one year of birth, adoption or the initiation of foster care; (2) to care for a child, spouse or parent with a serious health condition; (3) because the employee's own serious health condition makes the employee unable to perform his or her job; or (4) because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. OFPD will grant up to 26 weeks of FMLA unpaid leave during a single 12-month period to an employee to care for a family member or next of kin who is a covered service member with a serious injury or illness. Upon the completion of FMLA UNPAID leave, an employee generally will be reinstated to the position that the employee held when the UNPAID leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

Scheduling of UNPAID FMLA Leave

Except for care of a covered service member as provided below, eligible employees may take a maximum of twelve weeks of unpaid FMLA leave during a twelve-month period. In all cases, the twelve-month period shall be measured from the date the employee's first FMLA leave begins.

FAMILY UNPAID LEAVE, i.e., leave for childbirth, adoption, or foster care must be taken and completed within one year of the birth, adoption, or the initiation of foster care. Such UNPAID LEAVE ordinarily must be taken all at once.

UNPAID MEDICAL LEAVE, i.e., unpaid leave for the serious health condition of an employee (including disability in connection with pregnancy or childbirth) or an employee's spouse, parent, son or daughter, may be taken whenever medically necessary. Depending on the circumstances, unpaid medical leave may be taken all at once, intermittently, or on a reduced work basis. However, if the employee's need for intermittent unpaid leave or unpaid leave on a reduced basis is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment in a way that will minimize disruptions to OFPD's operations.

UNPAID LEAVE FOR COVERED SERVICE MEMBERS. Leave to care for a covered service member who has a serious injury or illness is a one-time leave of up to 26 weeks in a single 12-month period.

EMPLOYEE NOTICE REQUIREMENTS

If an employee's need for UNPAID FMLA LEAVE is foreseeable, the employee must provide his

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or her supervisor with at least thirty days advance written notice before the UNPAID leave can begin, or as much notice as is practicable under the circumstances. Such notice should include the employee's reason for requesting leave as well as its anticipated timing and duration.

If an employee's need for FMLA leave, or its approximate timing, is not foreseeable, the employee is expected to give his or her supervisor notice as soon as possible under the circumstances. Ordinarily, such notice means complying with OFPD's policy for calling in at or before the start of the workday or at the latest one working day after the employee learns of the need for the leave.

Employer Notice Requirements

Employees will be provided detailed notice at the time they request FMLA unpaid leave, which explains their rights to FMLA unpaid leave, their eligibility for unpaid leave, and specifies the expectations and obligations of the employee during unpaid FMLA leave and the consequences of any failure to meet these obligations.

MEDICAL CERTIFICATION REQUIREMENTS

Any employee requesting an unpaid medical leave, either to care for a sick relative or because of the employee's own serious health condition, shall provide a doctor's statement supporting the employee's need for unpaid leave within fifteen days after requesting unpaid leave. Employees should contact the Fire Chief (Fire & Admin Employees) & the EMS Director (EMS Division Employees) as soon as their need for a medical FMLA unpaid leave is determined.

A doctor's statement shall be submitted monthly while an employee is on medical FMLA unpaid leave in order to certify the employee's continuing need for leave. A doctor's statement is also required if an employee requests an extension of FMLA unpaid leave or if there is a significant change in circumstances related to the employee's need for FMLA unpaid leave.

As a condition of returning to work, an employee who has been on FMLA unpaid leave is required to present a doctor's statement certifying that the employee is well enough to resume work. A medical certification also is required in any case where an employee on FMLA unpaid leave represents that he or she is unable to return to work for medical reasons.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities from requesting genetic information of employees or their family members. In order to comply with this law, employees should not provide any genetic information or information about their family medical history when responding to a request for medical information to support a request for FMLA unpaid leave. "Genetic information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Status of Compensation and Benefits while on FMLA Leave

FMLA leave shall be without pay except when an eligible employee uses accrued Paid Sick Leave

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or PTO (see separate leave policies). To the extent FMLA leave also qualifies as leave under OFPD's parental leave policy (i.e., at the birth, adoption or foster placement of a child), the leave will be paid under the terms of that policy.

OFPD will maintain an employee's health insurance coverage for the duration of the employee's FMLA unpaid leave as though the employee were continuously employed. OFPD will continue to pay its portion of the employee's health insurance premiums provided that the employee pays his or her contributory portion (if any) on a timely basis. Employees requesting FMLA unpaid leave should contact the Deputy Chief to arrange an acceptable insurance payment schedule.

OFPD will maintain and pay its portion of the premiums during FMLA UNPAID LEAVE for life and disability insurance.

Employees shall not accrue Paid Sick Leave or PTO during any periods of FMLA unpaid leave. However, such leave periods will be treated as continued service for the purpose of calculating pension and retirement plan vesting and eligibility.

In the event an employee fails to return to work after an unpaid family or medical leave is exhausted or expires, OFPD is entitled to recover health or other insurance premiums paid by OFPD during the leave period unless the reason the employee's failure to return is because of: 1. The continuation, recurrence, or onset of a serious health condition; or 2. Other circumstances beyond the employee's control.

Return to Work

An employee off on FMLA unpaid leave shall report at least every 14 calendar days to the employee's supervisor regarding his/her status and intent to return to work. The Supervisor shall then document this report and place the same in the respective employees' file. Those on leave for a serious health condition shall provide medical certification of their ability to return to work.

OFPD will make every effort to restore all employees on leave to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Enforcement

Employees may file a claim with the Wage and Hour Division of the Department of Labor or bring a private lawsuit in court in order to enforce their rights under the FMLA. Information is available at: www.wagehour.dol.gov.