

FAMILY MEDICAL LEAVE POLICY

Pursuant to the Family and Medical Leave Act (FMLA) of 1993

93-03

I. Purpose and Scope

The purpose of this policy is to establish the eligibility, duration and procedural requirements relating to the administration of family and medical leave in accordance with the Family and Medical Leave Act of 1993.

II. Policy

It is the Town of Groton's policy to grant up to 12 weeks of family and medical leave during any given 12 month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to 26 weeks of leave in any 12 month period in compliance with the expansion of FMLA under the Support for Injured Service members Act of 2007.

III. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

IV. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) *The birth of a child and in order to care for that child.*
- 2) *The placement of a child for adoption or foster care and to care for the newly placed child.*
- 3) *To care for a spouse, child or parent with a serious health condition.*
- 4) *The serious health condition (described below) of the employee.*

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than five days, would be considered a serious health condition.

The Town of Groton will require an employee to provide a doctor's certification of the serious health condition.

- 5) *A covered family member's active duty or call to active duty in the Armed Forces.*

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service include helping the family member

prepare for the departure or caring for children of the servicemember. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

6) To care for an injured or ill servicemember.

This leave may extend to up to 26 weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability retired list.

V. Amount of Leave time

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) under this policy during any 12-month period. The Town will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the Town and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

VI. Intermittent or Reduced work schedule

In the case of caring for a newborn, adopted or foster child, an employee may take time on an intermittent or reduced work schedule with the approval of the department head and Town Manager.

VII. Procedure for requesting FMLA

The employee must provide thirty days (30) advance notice to the Department Head and Personnel Manager when the leave is "foreseeable". In emergency situations, notice shall be given as soon as practicable.

The FMLA Certification of Health Care Provider form must be completed and submitted to the Personnel Manager within 15 days of the start of the leave of absence.

FMLA starts after the employee has been out for five (5) scheduled work days. On day six of the sick leave, the FMLA clock begins.

VIII. Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the Personnel Manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Certification of Health Care form.

The employee will be required to submit medical re-certification every thirty (30) days while out on approved leave.

IX. Pay while out on Leave

The employee will need to exhaust all their sick time before getting paid from their vacation and personnel accruals.

X. Employee Status and Benefits During Leave

While an employee is on leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee is in unpaid status, then he/she will need to pay the Town directly for the employee's share of the monthly premium. Personnel will generate a letter detailing the benefits and the amount that the employee must pay. If the employee does not submit the payment within 30 days of the receipt of the letter, then the Town may terminate the employee's benefits.

XI. Intent to Return to Work from FMLA Leave

On the basis that does not discriminate against employees on FMLA leave, the Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

If the employee indicates to the Town, in writing, that he/she does not intend to return to work, then any benefits the employee is enrolled in will cease immediately. At that time the employee will be eligible to enroll into COBRA.

The employee will be required to present a Fitness for Duty certificate prior to returning to work.

XII. Supplemental Employment while on FMLA

While an employee is out on approved FMLA, the Town prohibits an employee from engaging in any supplemental employment.

XIII. Job Restoration

Upon the expiration of an employee's leave under FMLA, he/she has the right to be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment.