

Family and Medical Leave

The M.S.A.D. #49 shall comply with all applicable provisions of the Federal Family and Medical Act of 1993 (FMLA), the Maine Family Medical Leave Law, and any other Board policies and collective bargaining agreements regarding family and medical leave.

The Superintendent is responsible for implementing administrative procedures to comply with this policy.

The Federal Family and Medical Leave Act (FMLA) provides generally that an eligible employee is entitled to up to 12 work weeks of leave during any 12-month period: (1) for the birth, adoption, or foster placement of a child; (2) to care for a spouse, son, daughter or parent with a serious health condition; or (3) when the employee is unable to work because of the employee's serious condition.

To be eligible, an employee must:

- A. Have been employed for at least 12 months when the leave commences; and
- B. Have worked at least 1,250 hours in the 12 previous months.

In administering the FMLA for eligible employees, M.S.A.D. #49 will abide by the following:

- A. The "12-month period" for purposes of the FMLA will be measured backward from the date an employee uses any FMLA leave.
- B. Employees requesting leave shall provide at least 30 days notice whenever such leave is foreseeable.
- C. All leave taken for FMLA – qualifying purposes shall be counted toward employees' FMLA entitlement. All employees taking leave under FMLA shall first use any applicable accumulated paid leave available under collective bargaining agreements or policies. After such paid leave is exhausted, the balance of the FMLA leave shall be unpaid.
- D. M.S.A.D. #49 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.
- E. Before returning to work, employees taking FMLA leave for their own serious health condition shall submit a certificate from a health care provider indicating that they are able to return to work and perform the essential functions of the position.

M.S.A.D. #49

CODE: GBN

F. 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 USC § 2601 et seq.
29 CFR Part 825
26 MRSA § 843 et seq.

Approved: February 5, 2015