

FAMILY AND MEDICAL LEAVE

This policy has been adopted by the Gorham School Committee to implement the Federal Family and Medical Leave Act. 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/partner, son, daughter or parent with a serious health condition; or (3) 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 1250 hours in the 12 previous months.

In administering the FMLA for eligible employees, the employer will abide by the following:

1. The "12 month period" for purposes of the FMLA referred to above shall be July 1 - June 30.
2. Employees requesting leave shall provide at least 30 days notice whenever such leave is foreseeable.
3. Whenever an employee is absent for ten 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 or 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 that 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.

8. Further information about the Federal Family and Medical Leave Act is contained in U. S. Department of Labor Program Highlights.

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.

Cross Reference: GBO – Family Care Leave Policy

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