



Policy

SECTION: HUMAN RESOURCES	POLICY #	PAGE 1 OF 3
TITLE: Family and Medical Leave Act (FMLA)	EFFECTIVE DATE: TBD	
APPROVED BY:	REPLACES: N/A	

PURPOSE: The purpose of this policy is to formalize that Worknet Pinellas, Inc., dba CareerSource Pinellas and any independent contractor, training vendor, a CareerSource staff, a volunteer at CareerSource, an intern, or DEO staff located in CareerSource office will adhere to the understanding of the policy and procedures and all applicable laws governing FMLA.

BACKGROUND: The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees to balance their work and family life by taking up to twelve weeks of unpaid leave for certain family or medical reasons. When family emergencies arise, requiring an employee to attend to his or her seriously ill children, parent(s), or be with newly-born or adopted children or children placed with the employee for foster care, or for their own or spouse's serious health condition, the employee needs reassurance that he or she will not need to choose between his or her job security and meeting these personal and family needs. On January 28, 2008, the President signed the National Defense Authorization Act for Fiscal Year 2008 into law. It includes provisions expanding the federal Family and Medical Leave Act to guarantee job-protected leave in certain circumstances for employees who are family members of active duty military personnel. The new law provides an extended period of leave for FMLA eligible employees who are covered family members to care for certain injured service members. It also creates a new qualifying reason for leave for eligible employees whose spouse, son, daughter or parent is on, or called to, active duty.

POLICY: This policy is to provide procedures and process for better understanding FMLA, including eligibility, reasons for and length of leave, requesting leave and requirements of leave.

APPLICABILITY:

Who's eligible for FMLA?

Any exempt or classified status employee:

- employed by the Careersource for at least twelve (12) months (does not have to be consecutive) and

- worked at least 1,250 hours during the twelve (12) months immediately preceding the commencement of the leave

Why would I use FMLA?

FMLA provides a guarantee of job security and continuation of employee benefits during the approved leave.

When can I use FMLA?

FMLA provides that eligible employees may be entitled to up to 12 weeks of unpaid scheduled leave for continuous or intermittent absences due to any of the following:

- Pregnancy, prenatal care, bonding, or placement of a child for adoption or foster care
- Your own serious health condition
- To provide care for a qualifying family member with a serious health condition
- Service member family leave (up to 26 weeks in a 12-month period)
- Qualifying military exigency

DEFINITIONS AND DETAILS: Following are definitions and details that pertain to this policy. Note, use of the term “employee” or “staff” shall mean any of the individuals listed under “Applicability.”

A. Types of Leave-

1. **Continuous Leave:** Leave is taken without working during the entire length of the leave.
2. **Intermittent Leave:** Leave is for medical needs with as little disruption to business, while working. Condition must be recertified every 6 months upon an absence related to the condition.
3. **Reduced Schedule:** A reduction in hours per workweek, or hours per day that is a set schedule.
4. **Qualifying Exigency and Service Member Leave:** A family member’s leave may include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member’s absence.
5. **Military Caregiver Leave:** Up to a total of 26 workweeks of unpaid, leave during a “single 12-month period” to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. The service member must be a current member of the Armed Forces, and the service member must be undergoing medical treatment, recuperation, or therapy; in outpatient status; or on the temporary disability retired list, and The service member must have a “serious injury or illness”

B. Applying for Leave:

- 1. When advance notice is possible:** Employees must submit a leave of absence request form. The request must indicate the reason for the leave, the starting and ending dates for the leave and the type of leave requested.
If an employee is taking FMLA leave because of a birth or placement, or because of planned medical treatment, the leave request must be submitted at least 30 days before the leave begins.
- 2. When advance notice is not possible:** In the case of serious health condition, if advance leave is not possible, the employee must submit the request as soon as possible. Initial notification can be verbal or via email in this case.
A family member, health care provider, or any person designated by the employee may notify the supervisor if the employee is unable to do so. When the initial request is verbal the supervisor is responsible for making sufficient inquiry into the nature of the leave so as to determine if the absence might qualify as a "serious health condition" as defined in this policy and verbally inform the employee (or caller) of any requirements under this policy. If there is insufficient information the supervisor may designate the leave as "FMLA pending" and request sufficient information in writing on the leave request form or otherwise. A leave request will be completed by the supervisor if the employee is unavailable to complete one. If requested information or documentation is not provided timely as requested, the leave request may not be classified as FMLA, and the job may not be protected.

C. Requirements for Leave:

- 1.** Once FMLA has been requested you will receive FMLA information via email, which must be completed. All requests will require a Certification of Health Care Provider, Certification of Qualifying Exigency, or Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. All Certifications must be signed by a licensed healthcare provider.
- 2.** Recertification may be required based on the minimum duration the healthcare provider states incapacity. All intermittent FMLA will require recertification from a licensed healthcare provider every 6 months. Recertification will be required when there is a significant change in circumstances described the last medical certification.
- 3.** A fitness for duty certification will be required before return to work following approved FMLA. This does not apply for intermittent leave, however, the Company reserves the right to request fitness for duty if there are reasonable safety concerns.

D. Reinstatement:

As a general rule, at the conclusion of your FMLA leave, you will be returned either to the same position held at the beginning of FMLA leave, or to an equivalent positions with equivalent pay, benefits and other conditions of employment, with the following exceptions.

A salaried “key employee” it is possible not to be reinstated at the end of FMLA leave if the reinstatement would result in substantial and grievous economic injury to operations.

RESULTS OF FAILURE TO COMPLY WITH POLICY: Failure of any individual listed under “Applicability” above, to follow this policy may result in loss of FMLA job-protected status. This may lead disciplinary action shown in the Employee Handbook.

1. If knowingly false information is provided regarding leave, or found to have violated Company policies, or where such violation would be a terminable offense, even if discovered during the course of leave, this may result in disciplinary action, up to and including termination.
2. Failure to return to work at the end of the approved leave and/or fail to take action to extend leave, termination will occur after 2 days following the conclusion of FMLA for “job abandonment”.
3. An employee on FMLA leave is not protected from actions that would have occurred if not on FMLA.

PTO and INSURANCE PREMIUMS:

When FMLA is approved you will be required to use all PTO during leave. Once PTO has been exhausted FMLA will continue unpaid. While on unpaid leave all insurance premiums will need to be paid by check, cashier’s check or money order, made payable to CareerSource Pinellas.

POLICY AMENDMENTS OR REVOCATION:

Notwithstanding any of the foregoing, CareerSource reserves the right to revise or revoke this policy at any time.

This policy is written to establish local procedures and is not intended to supersede any applicable laws or regulations. Failure of CareerSource to adhere strictly to the steps outlined within this policy shall not be construed as a violation of rights or administrative procedures.

INQUIRIES: Any question about this policy should be directed to the HR Business Partner.