

**TOWN OF TISBURY
PERSONNEL BOARD/PERSONNEL DIRECTOR**

STATE POLICIES

FAMILY AND MEDICAL LEAVE ACT (FMLA)

A. Introduction

The Federal Family and Medical Leave Act of 1993 ("FMLA" or "the Act") was enacted on February 5, 1993. The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons.

B. Employee Eligibility

To be eligible for FMLA benefits with the Town, an employee must:

- Work for the Town;
- Have worked for the Town for a total of at least twelve months; and
- Have worked for the Town at least 1,250 hours during the twelve month period preceding the FMLA leave.

C. Leave Entitlement

The Town will grant an eligible employee up to a total of twelve work weeks of unpaid leave during a fiscal year for one or more of the following reasons:

- For the birth or placement of a child for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For 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 called to active duty (qualifying exigency leave); or
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

The Town may choose to require the use of accrued leave during some or all of the FMLA leave.

D. Maintenance of Health Benefits

The Town will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had

continued to work. The employee will make arrangements with the Human Resources Department to pay his or her share of health insurance premiums while on leave. The Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

E. Job Restoration

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

F. Notice and Certification

Employees seeking to use FMLA leave are required to provide to their department head, with a copy to the Human Resources Director:

- Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable;
- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member in accordance with the FMLA form;
- Second or third medical opinions and periodic recertification (at the Town's expense) if requested by the Town; and
- Periodic reports during FMLA leave regarding the employee's status and intent to return to work, as requested by the employee's department head.

When leave is needed under the category of care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

G. Other Provisions

The FMLA does not affect any other federal or state law which prohibits discrimination, nor supersede any state or local law which provides greater family or medical leave protection. Furthermore, the FMLA does not affect the Town's obligation to provide greater leave rights under a collective bargaining agreement or employment benefit plan where applicable

MILITARY LEAVE POLICY

Federal and state laws require that reservists be granted certain employment rights. The Town will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long-term active duty.

Any employee with a question regarding this Policy should contact the Human Resources Manager or Personnel Director.

SMALL NECESSITIES LEAVE ACT (SNLA) POLICY

The Town will comply with the provisions of the Small Necessities Leave Act ("SNLA" or "The Act"), which mandates that employers permit eligible employees to take up to a total of 24 hours of unpaid leave for certain purposes within a 12-month period. The starting and ending date of such 12-month

period shall be determined by counting forward from the date of the employee's first request for leave under the Act.

The SNLA permits employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

Leave under the Act may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides that SNLA leave is unpaid. An employee may elect to substitute any available accrued paid vacation, personal or sick leave for the unpaid leave, provided the use of such time is in accordance with the Town's leave policies.

The Town may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the SNLA.

The Town may require that written certification or documentation support a request for leave under the Act.

Any employee with a question regarding this Policy should contact the Personnel Director.

This Policy replaces existing policy 11.13 and 13.0 the Personnel Manual. The Personnel Board adopted this policy on 2/15/18, 2018. To take effect on 3/1/18


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2/15/18
Date

John M. Rollins
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02/15/2018
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