

MAINE FAMILY AND MEDICAL LEAVE POLICY

The following administrative procedure covers the main provisions of the Maine Family and Medical Leave Act. RSU #23 School Department is responsible for analyzing each employee request for leave to determine whether he/she is eligible under the federal and/or state statute. When an employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one that provides the greater benefit to the employee (usually Federal FMLA).

I. ELIGIBILITY REQUIREMENTS

To be eligible under the Maine Family Medical Leave, employees must work at a site where there are 15 or more employees of the same School Board. An employee must have been employed by the school unit for at least 12 months and have not taken such leave within the immediately preceding 24 month period, or have used less than 10 weeks of family medical leave.

Under Maine Family Medical Leave Act, an eligible employee is entitled to up to ten weeks of leave during a twenty-four month period for the following reasons:

- A. The birth of the employee's child or employee's domestic partner's child;
- B. The adoption or foster placement of a child with the employee or the employee's domestic partner;
- C. Serious health condition of a child, domestic partner's child, parent, sibling, domestic partner or spouse; or
- D. The employee is unable to perform the function of his/her position because of a serious health condition.
- E. The donation of an organ of the employee for a human organ transplant; or
- F. The death or serious injury of a family member due to military service.

II. ADMINISTRATION

A. The school district may require certification from a physician to verify the amount of leave requested.

B. An employee requesting leave shall provide at least 30 day's notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving required notice.

C. Any leave taken for Maine Family Medical Leave-qualifying purposes (including leave taken under employment policies, bargaining agreements, or contracts) shall also be considered leave under the Maine Family Medical Leave and shall be applied to an employee's 10 week Maine Family Medical Leave entitlement every 24 month period. When paid leave taken for Maine

Family Medical Leave qualifying purposes is exhausted, the balance of the leave shall be unpaid.

D. During Maine Family Medical Leave, an employee shall be permitted to continue his/her medical insurance plan, providing the employee remits both the employee and employer share of the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due.

E. Upon an employee's return to work, he/she will be restored to his/her previous position or to an equivalent position with equivalent pay, benefits, conditions and terms of employment.

F. An employee returning from FMLA leave for his/her own serious health condition may be required to submit medical certification that indicates fitness to return to work and ability to perform the functions of the job.

G. If the employee is unable to return to work because of his/her own serious health condition at the expiration of allowable FMLA leave, the Superintendent may consider a request for extension of unpaid leave and benefits on a case by case basis. Failure to return to work upon the expiration of FMLA leave may subject the employee to immediate termination unless such an extension is granted.

H. An employee who is not eligible for federal FMLA may be eligible for Maine Family Medical Leave.

III LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE SCHEDULE

Subject to the other requirements of the policy, leave taken intermittently or on a reduced leave schedule (a schedule that reduces the usual number of hours per workweek or hours per workday of an employee) may be taken subject to the following:

A. If an employee requests intermittent leave or leave on a reduced leave schedule for a serious health condition of the employee or his/her child, domestic partner's child, parent, domestic partner or spouse, or for organ donation by the employee that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employee for which the employee is qualified and that has equivalent pay and benefits

and better accommodates recurring periods of leave than the regular employment position of the employee.

Legal references: 26 MRSA 843 et seq.

26 MRSA 850

Adopted: 1/8/14