

**TOWN OF BRUNSWICK
FAMILY MEDICAL LEAVE POLICY**

1. General Purpose - This policy establishes the rights and obligations of the Town of Brunswick and its employees with respect to leave necessary for the medical care of employees and their families.

2. Qualification for Leave - The employee must have been employed for at least 12 months and have worked at least 1,250 hours in the year proceeding the date the employee seeks to start the leave.

3. Available Leave - Eligible employees are entitled to take up to 12 workweeks leave during the 12 months of the leave year measured backward from the date qualifying leave is last used (example: employee takes FML from 1/1/94 - 4/1/94; employee would be eligible for leave again on 4/1/95). Leave may be taken for the following purposes;

A. Child Care - Leave may be taken because of the birth, adoption, or foster-care placement of a child in order to care for the child.

(1) Child care leave must be concluded within 12 months from the date of the birth, adoption or foster-care placement.

(2) Child care leave may be taken intermittently upon approval of the Town Manager and Department Head. When requesting intermittent leave, the employee shall advise the employer of the reasons why the intermittent leave schedule is necessary. The employee and employer shall attempt to work out a schedule which meets the employer's needs without unduly disrupting the employer's operations.

(3) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practical if leave becomes necessary before such 30-day notice may be given.

B. Family Care - Leave may be taken to care for a child, spouse, or parent who has a serious health condition.

(1) A serious health condition means an illness, injury, impairment, or physical or mental condition that involves: (a) Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; (b) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; (c) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; and for prenatal care; (d) Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgery after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Treatments for allergies or stress, or for substance abuse, are serious health conditions if all the conditions of the regulation are met. Prenatal care is included as a serious health condition. Routine preventive physical examinations are excluded.

(2) Employees requesting leave under this paragraph must present a certification from a health care provider containing the date on which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required. (See Form A)

(3) Employees taking leave under this paragraph may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is necessary for or will assist the care of the family member and that provides the dates and duration any treatment and leave is expected. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position, with equivalent pay and benefits, which better accommodates the recurring periods of leave.

(4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practical if leave becomes necessary before such 30-day notice may be given.

C. Self-Care - Leave may be taken when the employee is unable to perform the essential functions of the position that employee holds.

(1) Employees seeking leave for self-care must have a serious health condition, as defined by paragraph B (1) above.

(2) Employees requesting leave under this paragraph must provide a certification from a health care provider containing the date the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, and a statement that the employee is unable to perform the essential functions of the position. Employees seeking the certification must provide the health care provider with the department's written job description and list of essential functions of the position. Employees seeking the certification must provide the health care provider with the department's written job description and list of essential functions of the position.

(3) Employees taking leave under this paragraph may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is medically necessary and the expected duration of the leave. Employees who elect to use the available leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.

(4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30-day notice may be given.

D. Failure to Provide Required Certifications - Failure to provide the certifications required under this paragraph may result in denial of the leave or the request for leave on an intermittent basis.

E. Use of Accrued Paid Leave - Eligible employees will be required to use accrued paid leave before unpaid leave is taken except that the employee may retain one week of sick leave and one week of vacation leave when returning from FML. (Note 1: This provision is not meant to imply that accrued paid leave can extend the FML period; the total amount of leave may be taken in any

leave year remains at 12 weeks, of which some may be paid and some unpaid. Note 2: Accrued sick leave may only be taken by an employee who suffers actual personal illness or bodily injury except where applicable collective bargaining agreement provisions state otherwise).

F. Benefits While on Leave - During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began.

(1) Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee's contribution will be collected in the same manner as if the employee were reporting to work. During periods of unpaid leave, the employee must arrange with payroll office, prior to commencement of the leave, for payment of the employee's share of the premium for any health insurance, retirement, life insurance, dental insurance, income protection or other similar benefit.

(2) An employee who does not return to duty from unpaid leave under this policy will be liable for the his/her share of the Town's group health insurance premium contribution paid by the Town, unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under this policy or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the Town shall be entitled to set off the amount against any final pay or monetary benefit to which the employee would otherwise be entitled.

(3) Employees will not accrue other benefits while in an unpaid leave status, (i.e., after utilization of sick and/or vacation time), including seniority rights, sick leave and vacation time.

G. Return to Duty - Upon return to duty, an employee is entitled to restoration to former position or an equivalent position with equivalent pay and benefits except where circumstances unrelated to the medical leave prevent it.

(1) An employee who has taken leave for self-care under paragraph C(3) above will be required to present a certification of fitness for duty from a health care provider prior to commencement of work. Failure to provide the certification may cause denial of reinstatement.

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