

TOWN OF SOUTHBOROUGH

FAMILY AND MEDICAL LEAVE POLICY

A. INTRODUCTION

The Federal Family and Medical Leave Act of 1993 (“FMLA” or “the Act”) was enacted on February 5, 1993, and became effective on August 5, 1993. (NOTE: However, where a collective bargaining agreement (“CBA”) is in place on that date, the Act becomes effective on February 5, 1994.)

The FMLA entitles eligible employees to take up to twelve weeks of unpaid, job-protected leave each year for specified family and medical reasons. An eligible employee’s right to FMLA leave begins on August 5, 1993 or February 5, 1994 as applicable; any leave taken before the appropriate date does not count as FMLA leave.

B. EMPLOYEE ELIGIBILITY

To be eligible for FMLA benefits with the Town of Southborough (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 at least 1,250 hours (an average of 24 hours per week) over the previous twelve months.

C. LEAVE ENTITLEMENT

The Town will grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave per year measured from the date leave is first used 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; or

To take medical leave when the employee is unable to work because of a serious health condition.

Spouses employed by the Town are jointly entitled to a combined total of twelve (12) work weeks of family leave.

Leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently.

Also, employees or the Town may choose to use accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave.¹ In no case, however, can use of paid leave be credited as FMLA leave after the leave has ended.

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 Town 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 employment terms and conditions.

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:

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 attached form;

¹ Generally, sick leave will be restricted to FMLA leave for a serious health condition. The use of accrued leave during any period of FMLA leave is subject to any applicable collective bargaining agreement.

Second or third medical opinions and periodic re-certifications (at the Town's expense) if requested by the Town; and

Periodic medical reports during FMLA leave regarding the employee's status and intent to return to work as requested by department heads.

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. RETURN TO WORK

An employee who has taken FMLA leave due to his or her own serious health condition must submit proof of his or her ability to return to work.

H. OTHER PROVISIONS

The FMLA does not affect any other federal or state law that prohibits discrimination, nor supersede any state or local law that provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a Collective Bargaining Agreement or employment benefit plan, where applicable.

I. DEPARTMENTAL PROCEDURES

The Board stipulates that the Assistant Town Administrator is permitted to authorize FMLA leave for an employee if the leave is for an eligible reason under the statute. The Assistant Town Administrator will keep the Town Administrator abreast of all FMLA cases.

If an employee chooses to use accrued sick, vacation or personal time, he/she shall continue to earn these benefits while out on leave. If the employee must take unpaid leave, he/she not accrue such benefits while on leave; but will resume accruing sick and vacation time upon return to full pay status.

Adoption by BOARD OF SELECTMEN

This policy was adopted by the Board of Selectmen on September 10, 2002.