



WADSWORTH PUBLIC LIBRARY EMPLOYEE MANUAL

Chapter: Benefits
Section Number: 5.8
Section Name: Leaves of Absence
Last Revised:

A. FAMILY AND MEDICAL LEAVE (INCLUDING FAMILY MILITARY LEAVE AND CAREGIVER MILITARY LEAVE)

1. Eligibility

An employee who has worked twelve hundred fifty (1250) hours in the twelve (12) month period prior to the date leave is to commence, and has been employed with the Library for a minimum of twelve (12) months, is entitled to a maximum of twelve (12) weeks leave in any twelve (12) month period, if the reason for the leave qualifies under the Family and Medical Leave Act. For all uses of family medical leave, the twelve (12) month period will be measured backward from the date of the employee's request or the designation of a qualifying family medical leave.

2. Family Leave

- a. Family leave can be taken at the birth of an employee's child; or placement of a child into the employee's home for adoption or foster care.
- b. For purposes of family leave, the employee must take the leave within twelve (12) months of the qualifying event. When a husband and wife are both employed by the Library, family leave is limited to twelve (12) weeks between the two employees.

3. Medical Leave

- a. Medical Leave can be taken to care for an immediate family member with a "serious health condition;" or for the employee's own "serious health condition."
- b. "Serious health condition" is defined as an illness, injury or impairment that requires:
 - 1) Inpatient care in a hospital, hospice or residential facility including any period of incapacity or subsequent treatment in connection with inpatient care; or
 - 2) Continuing treatment by a health care provider involving any of the following:
 - a). A period of incapacity of more than three (3) consecutive calendar days that involves:
 - Treatment two (2) or more times by a health care provider;
 - One (1) treatment by a health care provider that results in a regimen of continuous treatment.

- b). Any period of incapacity due to pregnancy or pre-natal care;
 - c). Any period of incapacity or treatment for incapacity due to a chronic serious health condition;
 - d). Permanent or long-term conditions for which treatment may not be effective, or
 - e). Any period of incapacity to receive multiple treatments either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.
- 3) Examinations to determine if a severe health condition exists and evaluations for the condition.
- c. "Immediate family member" is defined in the Act as a spouse, parent, son or daughter. In-laws are not included.
 - d. When a husband and wife are both employed by the Library, leave to care for an employee's parent is limited to an aggregate of twelve (12) weeks between the two employees.
4. Family Military Leave
- a. The spouse, son, daughter, or parent of a service member who is on active duty or who is called to active duty in the Armed Forces (including the National Guard or Reserves) in support of a "contingency operation" is entitled to 12 weeks of FMLA leave.
 - b. The employee must meet the FMLA eligibility requirements and be requesting the leave because of a "qualifying exigency."
 - c. A "contingency operation" means a military operation that: a) is designated by the Secretary of Defense as an operation in which members of the Armed Forces may become involved in military action against an enemy of the United States or against an opposing military force; or (b) results in a call to active duty during a war or national emergency declared by the President or Congress.
 - d. A "qualifying exigency" has yet to be defined by the US Department of Labor, but the definition will be substituted here once that has been completed.
5. Caregiver Military Leave
- a. The spouse, son, daughter, parent, or next of kin of a "covered Service member" of the Armed Forces (including the National Guard or Reserves) is entitled to up to 26 weeks of FMLA leave. This leave shall only be available during a single 12-month period. "Next of kin" is defined as the nearest blood relative of the "covered Service member."
 - b. The employee must meet the FMLA eligibility requirements and be requesting the leave to care for a "covered Service member."

- c. A “covered Service member” is a member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a “serious injury or illness.” A “serious injury or illness” is an injury or illness incurred by the Service member in the line of duty on active duty that may render the Service member medically unfit to perform the duties of the Service member’s office, grade, rank or rating. Outpatient status means that the Service member is assigned to a military medical treatment facility as an outpatient or is assigned to a unit established for the purposes of providing command and control to Service members receiving medical care as outpatients.
6. When a husband and wife are both employed by the Library and one or both of them uses a portion of his/her leave entitlement for family leave or to care for a parent with a serious medical condition, each employee is entitled to the unused portion of his/her twelve (12) week entitlement, if the leave qualifies under the Act.
7. When a leave has been qualified as family/medical leave, the employee will be notified of his/her rights and responsibilities. (See **Appendix B FORMS**).
8. Use of family/medical leave will be recorded in minimum increments of fifteen (15) minutes.
9. All paid leave will be included in the leave period.
 - a. In the case of a medical leave or caregiver military leave, the employee is required to use all accrued sick, vacation and other available paid leave prior to being placed on unpaid status. The employee may reserve up to thirty-eight (38) hours of sick leave by notifying the Business Manager.
 - b. In the case of family leave and/or family military leave, an employee is required to use all accrued vacation and other paid leave, not including sick leave, prior to being placed on unpaid status.
 - c. If an employee is on an absence covered by Worker’s Compensation payments, and for a condition that qualifies for family medical leave, paid leave will only be applied to that portion of the leave not covered by Worker’s Compensation.
10. Certification/Recertification
 - a. When an employee requests a medical leave, the employee must furnish a written statement from his/her health care provider certifying that he/she is unable to work and the expected date of return to work.

- b. When an employee requests leave to care for a family member, the employee must furnish a statement from the family member's health care provider certifying the condition, the necessity for the employee's care of the family member, and the expected duration of required care.
 - c. The employee must comply with any request for certification or recertification as soon as possible, but not more than fifteen (15) days after the request, as a condition of leave approval or continuation of leave. The employee will pay the cost of certification or recertification.
 - d. If the Board doubts the validity of the certification provided, the Library may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by, the Board. If the second opinion differs from the original certification, the Library may require, at its own expense, the opinion of a third health care provider jointly approved by the Board and the employee. The opinion of the third provider will be considered final and binding on both parties.
11. When an employee requests family leave or leave for a planned medical treatment, the employee must give thirty (30) days notice of the date the leave is expected to commence and the anticipated length of the leave. The Library requests that an employee give as much notice as is practicable so that operational needs can be met. In the case of planned medical leave, the Library requests that the treatment be scheduled so as to cause minimal disruption to services.
12. Leave may be taken intermittently (i.e. periods of no less than thirty (30) minutes over several weeks) or on a reduced schedule (i.e. less than a full-time basis) when medically necessary or if the employee is needed to care for a family member with a serious medical condition. Intermittent/reduced schedules are available subject to the following conditions:
- a. The employee must make a reasonable effort to schedule time off so as not to disrupt the operations of the Library. The employee must provide not less than thirty (30) days notice before the date the leave is to begin, unless the medical condition requires leave to begin in less than thirty (30) days. Finally, the employee must provide his/her supervisor with the dates on which medical treatment is expected along with the expected duration of the treatment or the length of time needed to care for a family member.
 - b. The Director may require an employee to transfer temporarily to an available alternative position offered by the Library, if the employee is qualified, the position has equivalent pay and benefits, and the position better accommodates recurring periods of leave than the employee's regular position.

13. Health Insurance

The Board will continue to pay its portion of the health care premium for an employee, currently enrolled in the Library provided health care insurance plan, and who is not in active pay status, but is on a family/medical leave. The employee is required to pay his/her own portion of the premium by the first of each month to the Library. An employee for whom the Board maintains health care coverage during a family/medical leave and who does not return to work for at least thirty (30) calendar days, at the end of the leave may be required to repay the Board the amount it paid to maintain the coverage (See **Section 5.1 HEALTH INSURANCE**).

14. Return to Work

- a. An employee wishing to return before the scheduled end of a leave must give at least two (2) working days advance notice to his/her supervisor.
 - b. If the employee is on a medical leave for seven (7) or more days due to a serious health condition, the employee will be required to provide a fitness-for-duty certification before the employee is permitted to return to work.
 - c. Upon return from a family/medical leave, an employee will be restored to the position held when leave commenced, or a position with equivalent benefits, pay, and other terms and conditions of employment.
 - d. All benefits accrued prior to the leave will remain intact, however, the employee will not accrue benefits during any unpaid portion of the leave.
15. If it is discovered that a leave of absence granted for a specific purpose is not being used for that purpose, the Director may cancel the leave and direct the employee to report to work.
16. An employee who fails to return to work at the expiration or cancellation of an approved family/medical leave, without satisfactory explanation to the Director, will be terminated. The employee's termination date will be established as the starting date of the approved family/medical leave.

B. OTHER UNPAID LEAVES OF ABSENCE

1. An employee may request an unpaid leave for reasons other than those listed above for up to six (6) months with the approval of the Director. The request for a leave of absence must be submitted in writing and must include the specific period of time requested. Approval is at the discretion of the Director. (See **Appendix B FORMS**).

Acceptable reasons for an unpaid leave of absence include:

- a. Voluntary service in any government sponsored program of public betterment:

- b. Education or training that would benefit, but is not required by the Library;
 - c. Family or medical reasons that do not fall within the circumstances or restriction outlined in the family and medical leave policy; or
 - d. Other approved reasons at the discretion of the Director.
2. An employee must have exhausted his/her accrued paid leaves, e.g., vacation, sick leave (if appropriate), etc., prior to requesting or being granted an unpaid leave of absence.
 3. Employer-paid health insurance will not be provided to employees on an unpaid leave of absence for any reason that does not qualify for family/medical leave. (See **Section 5.1 HEALTH INSURANCE**). An employee may extend benefits under COBRA for the time allowed by law.
 4. If possible, upon return from a leave of absence, the employee will be returned to his/her same position. No guarantee is given that an employee will be assigned to the same or any position upon return to work. If no similar classification exists, the employee may be placed on layoff.
 5. Benefits do not accrue during an unpaid leave.
 6. If it is discovered that an unpaid leave of absence granted for a specific purpose is not being used for that purpose, the Director may cancel the leave and direct the employee to report to work.
 7. An employee is ineligible for unemployment compensation during any leave period.
 8. An employee, who fails to return to work at the expiration of an approved unpaid leave of absence, without satisfactory explanation to the Board, will be terminated. The employee's termination date will be established as the starting date of the approved leave of absence.

A. FORCED LEAVE OF ABSENCE

The purpose of this policy is to provide “forced leave of absence” guidelines and procedures during a state of emergency that represents any natural or man-made disaster, including a pandemic. Staff forced leave of absence would be implemented if WPL is unable to offer work location alternatives due to a threat to the health or safety of staff or the public.

It is the responsibility of the Director, or his/her designee, to administer this policy when state and local public officials who have the authority to protect public health and safety mandate closure of WPL facilities. Additionally, the Director, or his/her designee, may proclaim a state of emergency, which would close any or all libraries and work location sites within its service

area. The Director will monitor the situation and communicate with regional emergency personnel and staff.

Communication

Using the Staff Emergency Phone Directory, pre-determined designated staff would assume their emergency roles and responsibilities as requested by the Director.

2. The Director or Business Manager will establish operations from the Administration Area OR another designated location determined by the Director.
3. The Technology Coordinator will provide an emergency broadcast message to all staff. WPL staff can check their e-mail through CLEVNET web mail for status updates or to contact their immediate supervisor.
4. Staff will be requested to monitor the critical incident via radio, television, newspaper, Internet, etc.
5. The Technology Coordinator will continuously update wadsworthlibrary.com whenever new information is available.
6. The Director will establish a telephone number for staff to obtain status update.

Forced Building and Service Closures

Before an official emergency declaration is declared, the Library Director or designee may take measures to protect the health and safety of staff and the public by implementing social distancing measures. These measures may include the cessation of services or the closure of facilities and cause implementation of this policy.

Emergency Declaration Compensation

Emergency Declarations are based on the nature of a given event and the severity of economic hardships that have direct impacts on the Wadsworth area. When an official emergency declaration is declared resulting in the Library's closure, WPL staff may be compensated at the staff member's normal authorized hours. An employee who is scheduled and on approved leave during any period of time during an emergency or disaster shall have their time deducted from the appropriate paid leave balance unless he or she reports to work in response to a management directive.

In the event of a major emergency or disaster requiring the activation of the Library's emergency plans, employees may or may not be required to carry out normal job duties or pre-assigned emergency response tasks. In some cases library employees may be called into service to work in jobs and in locations other than where they are normally assigned. In these situations, Library employees shall be compensated as follows:

- 1) Employees who report to their regular work locations to perform their normal tasks as instructed shall receive their regular rate of pay while so engaged.
- 2) Employees who report to their regular or another work location to perform tasks in accordance with emergency plan shall receive their regular rate of pay while so engaged.
- 3) Employees who cannot report to their regular or emergency work location, but who obtain approval from the Director to perform tasks for a governmental entity responsible for disaster management, shall receive their regular rate of pay while so engaged.

- 4) Library employees who choose not to report to work in circumstances contemplated by this policy shall charge their time loss against appropriate paid leave balances. If the employee does not have accumulated leave, he/she will go unpaid. Sick leave cannot be used to cover time loss caused by an emergency or disaster unless the employee is able to establish to his or her supervisor's satisfaction that there is a bona fide reason for sick leave use.
- 5) Employees who are released from work or who are instructed not to report to work in circumstances contemplated by this policy shall have their time loss covered as determined by the Director in consultation with the President of the Library Board of Trustees. This decision will provide full or partial compensation to employees who are released from work or who are instructed not to report to work or may include consideration of some or all of the following criteria:
 - a) The length of time that employees are directed not to report to work;
 - b) The Library's ability to reschedule work and/or relocate employees so that they may make up missed work time within the appropriate work week or pay period;
 - c) Whether or not employee layoffs are likely as a direct result of the emergency or disaster;
 - d) The Library's ability to pay;
 - e) Other factors as appropriate.

Emergency Declaration Response

If the emergency period duration is undefined, the Director will review the situation at least on a weekly basis in consultation with the President of Board of Trustees to determine if staff forced leave remains in effect and whether staff will continue to be compensated for closed days due to the emergency event.

A. At the time an official emergency declaration is declared by state and local public officials or by the Director, this action will require all worksites to close. Staff will be placed on forced leave.

B. There will be no available work for any staff except for those staff deemed necessary to maintain critical functions.

C. There will be limited critical functions for staff to perform at the Library or if available from their home. These critical staff functions are identified as, but not limited to, responsibilities within the following departments: Business Office (payroll and accounts payable), Technology, Marketing and Public Relations, and Facilities.