

ST. ANDREWS PARISH PARKS & PLAYGROUND COMMISSION

POLICY MANUAL

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SAPPPC grants unpaid leave according to the Family Medical Leave Act (FMLA) to eligible staff members in cases when a serious health condition prevents a staff member from being able to perform his job, the staff member must be absent from work in order to care for a spouse, child or parent with a serious health condition, or the staff member wishes to care for a newly born or adopted child or foster child. Eligible staff members include those who have worked for SAPPPC twelve months or longer *and* who have worked at least 1,250 hours in the preceding twelve months prior to the commencement of leave.

Under the FMLA expansion bill signed into law by President Bush on January 28, 2008, businesses are also required to offer up to 26 weeks of unpaid leave to employees who provide care to wounded U.S. military personnel. Employers also must provide 12 weeks of FMLA leave to immediate family members (spouses, children, or parents) of soldiers, reservists, and members of the National Guard who have a “qualifying exigency.”

However, this policy does not create contract rights. Staff members will have no greater right to a job than he would have if he had not taken leave under this policy.

Staff members who wish to use FMLA leave must request it by filling out an application for FMLA leave, available from the Human Resources Director. Thirty days of advance notice is required whenever possible. Proof of the need for FMLA leave may be required. However, in appropriate situations and at the prerogative of the Executive Director, staff members may be placed on FMLA leave without application.

Any accrued sick leave must be taken concurrently with FMLA leave. Vacation can be used if the employee request. Vacation and sick accruals will continue to accrue while on “paid” FLMA leave. Accruals will not continue to accrue while on “unpaid” FMLA leave.

Eligible staff members are entitled to the equivalent of a total of up to 26 weeks of leave during a period of consecutive twelve months, whether that leave is taken consecutively or intermittently. However, leave to care for a newly born or adopted child or foster child must be taken consecutively. In situations involving the care of a newly born or received child, the FMLA leave must end twelve months after the child is born, adopted, or received in the staff member’s household.

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Consecutive twelve-month periods for the purpose of this policy are defined by SAPPPC's fiscal year; at the time of this writing, SAPPPC's fiscal year begins on July 1st and ends on the following June 30th.

In cases wherein both a husband and wife are employed by SAPPPC, their combined right to a leave of absence to care for a child or parent is twelve weeks in the twelve-month period.

A staff member on FMLA leave is entitled to reinstatement to his former position or to a position equivalent to his former position. The staff member must demonstrate that he is fit for duty. However, salaried staff members who are in the highest paid ten percent of all employees may be denied reinstatement rights if it would cause substantial and grievous economic injury to operations.

Staff members on FMLA must continue to pay their portion of health and other benefits on the same date that such portions of premiums would be deducted from their wages.

Any staff member on FMLA leave who is unable to perform the duties of his position due to his own disability and who has exhausted his eligible leave may be granted an additional fourteen weeks of leave. He must apply for the additional fourteen weeks; forms are available from the Human Resources Director. However, this additional leave does not entitle the staff member to reinstatement nor to payment of any portion of his benefit plan premiums.

FMLA leave will end when the need for the leave ends, or when the maximum leave described has been taken, whichever occurs sooner. Any staff member taking FMLA leave should give reasonable notice of his intent to return to work. Should any staff member fail to return from FMLA leave without notice, his action will be considered as job abandonment and noted in his personnel file.

For details on any portion of FMLA, staff members should call or visit the Human Resources Director or visit www.dol.gov.

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