



Village of Mount Prospect

50 South Emerson Street, Mount Prospect, Illinois 60056

FAMILY AND MEDICAL LEAVE POLICY

[REVISED 4/17]

I. STATEMENT OF POLICY

In accordance with the Family and Medical Leave Act, if an employee has been employed by the Village of Mount Prospect for at least twelve (12) months (*need not be consecutive*) and has worked at least 1,250 hours during the 12-month period preceding the start of the leave (which includes all periods of absence from work due to or necessitated by USERRA-covered service), and you work at or report to a work site which has fifty (50) or more Company employees within a 75-mile radius of that work site, you are eligible for up to a total of twelve (12) workweeks of unpaid leave during any rolling twelve (12) month period for one or more of the following reasons:

- a. Because of the birth of the employee's child and in order to care for such child (within 12 months after the birth of the child);
- b. Because of the placement of a child with the employee for adoption or foster care (within 12 months of the placement of the child);
- c. In order to care for the employee's spouse, child, or parents if they have a "serious health condition;"
- d. Because of a "serious health condition" that makes the employee unable to perform the functions of his/her job; or
- e. Because of any "qualifying exigency" (as defined by the Secretary of Labor) arising out of the fact that your spouse, child, or parent is deployed on covered active duty in a foreign country (or has been notified of an impending call or order to covered active duty in a foreign county) in the Armed Forces, including the National Guard and Reserves.

II. DEFINITIONS

- a. "Rolling 12-Month Period" - means a rolling 12-month period measured backwards from the date an employee uses any FMLA leave commencing the leave of absence.
- b. "Spouse" - If both spouses work for the Village of Mount Prospect, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick

parent. (Note: This amount may increase to a combined aggregate of 26 work weeks in the case of a Military Caregiver Leave use of time under this Policy).

- c. "Parent" - means the biological parent of an employee or an individual who stands or stood in loco parentis (meaning, person who has/had responsibility for the employee in terms of medical, financial needs, etc.) to an employee when the employee was a child".
- d. "Child" - means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or stepchild. (Age is not relevant for qualifying exigency leave.)

III. SERIOUS HEALTH CONDITIONS

For purposes of this policy, "serious health condition" means an illness, injury, impairment or physical or mental condition that involves one of the following:

- a. Hospital Care. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity relating to the same condition;
- b. Absence Plus Treatment or Continuing Treatment. A period of incapacity of more than (3) three full consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves either:
 - (1) treatment two (2) or more times (within the same 30 days and provided the first visit takes place within seven (7) days of the first day of incapacity) by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider;
 - OR
 - (2) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (first visit to health care provider must take place within seven (7) days of the first day of incapacity);
- c. Pregnancy. Any period of incapacity due to pregnancy, or for prenatal care;
- d. Chronic Conditions Requiring Treatment. A chronic condition which: requires at least two (2) periodic visits for treatment per year by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; which condition continues over an extended period of time; and may cause episodic rather than a continuing period of incapacity;
- e. Permanent/Long-term Conditions Requiring Supervision. A period of incapacity which is permanent or long-term due to a condition for which treatment may be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
- f. Multiple Treatments (non-chronic conditions). Any period of incapacity or absence to receive multiple treatments (including any period of recovery therefrom) by a health care

provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) full consecutive calendar days in the absence of medical intervention or treatment.

IV. QUALIFYING EXIGENCY LEAVE

If you are an eligible employee (as defined above), you are entitled to take up to twelve (12) weeks of unpaid FMLA leave for any qualifying exigency arising out of the fact that a military member is on covered active duty or called to covered active duty status in a foreign country. The leave described in this paragraph is available during a 12-month rolling period, and may be taken on an intermittent or reduced leave schedule basis. You will be required to provide a copy of the military member's active duty orders or other documentation issued by the military that indicates that the military member is on covered active duty or is called to covered active duty status in a foreign country and the dates of the military member's covered active duty service. Eligible employees may take all twelve (12) weeks of his/her FMLA leave entitlement as qualifying exigency leave or the employee may take a combination of twelve (12) weeks of leave for both qualifying exigency leave or any other qualifying reason listed above.

With respect to a Qualifying Exigency Leave

- a. A "military member" means your spouse, son, daughter, or parent who is on covered active duty or called to covered active duty status in any foreign country in any of the Armed Forces, including a member of the National Guard or Reserves.
- b. A "qualifying exigency" includes the following broad categories: (a) short notice deployment; (b) military events and related activities; (c) childcare and school activities; (d) parental care; (e) financial and legal arrangements; (f) counseling; (g) rest and recuperation; (h) post deployment activities, including reintegration activities, for a period of 90 days following the termination of active duty status; and, (i) additional categories that are agreed to by the employer and employee within this phrase.
- c. The phrase "son or daughter" is defined as your biological, adopted, or foster child, stepchild, legal ward, or child for whom you stood in loco parentis, of any age for qualifying exigency leave, who is on active duty or called to active duty status who is of any age. (Note: This definition is different from other sections of this FMLA policy). If the exigency leave is to arrange for childcare or school activities of a military member's child, the military member must be the spouse, son, daughter or parent of the employee requesting the leave.
- d. A "parent" means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to you when you were a son or daughter but it does not included "parents in law."
- e. Parental care – eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

- f. Rest and Recuperation – eligible employees may take up to fifteen days to spend time with a military member on Rest and Recuperation leave, limited to the actual leave time granted to the military member and supported by the Rest and Recuperation leave orders or other appropriate documentation issued by the military setting forth the dates of the leave.

V. MILITARY CAREGIVER LEAVE (SERVICEMEMBER FAMILY LEAVE PROVISION)

If you have been employed by the Company for at least twelve (12) months and have worked at least 1,250 hours during the 12-month period preceding the start of the leave, and you work at or report to a work site which has fifty (50) or more Company employees within a 75-mile radius of that work site, and you are a spouse, child (of any age for military caregiver leave), parent or next of kin of a Covered Service member, as defined below, you are entitled to a total of twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for the Covered Service member (including twelve (12) workweeks for any other FMLA qualifying reason). The leave described in this paragraph shall only be available during a single 12-month period beginning as of the date the leave commences and ending 12 months after that date (and any unused amounts are forfeited).

Military Caregiver Leave may be permitted more than once if necessary to care for a different Covered Service member (or the same Service member with multiple or subsequent injuries or illnesses) up to a combined total of twenty six (26) workweeks in a twelve (12) month period. However, your total available leave time in any single 12-month period generally may not exceed a combined total of twenty-six (26) workweeks (including FMLA time off taken for any other reason); except as provided under the FMLA regulations. You will be required to timely submit a medical certification available from our Human Resources Department or an invitational travel order or authorization from the Department of Defense as a condition of receiving approved Military Caregiver Leave. NOTE: the 12 month computation period for this type of leave differs from the other types of FMLA leave.

The employee will be required to timely submit the completed paperwork provided to the employee and available from our Human Resources Department as a condition of receiving approved Military Caregiver Leave. (Military Caregiver FMLA leave is computed based on a per service-member, per injury basis which means that more than 26-weeks of leave may be available in some cases. Consult the Human Resources Division if you have questions under this Section).

With respect to Military Caregiver FMLA Leave

- a. A “Covered Service member” means (1) a member of the Armed Forces (including a member of the National Guard or Reserves) 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, or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, National Guard or Reserves at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, and who was discharged or released under conditions other than dishonorable.
- b. “Outpatient status” means the status of a Covered Service Member assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of

providing command and control of members of the Armed Forces receiving medical care as outpatients.

- c. "Next of kin" means the nearest blood relative of that individual (regardless of age) other than an employee's spouse, son or daughter. You are required to provide confirmation of the relationship upon request. The Service member may designate the blood relative who is considered his/her next of kin; otherwise, the following order generally will apply: blood relatives granted custody by law, brother/sister, grandparents, aunts/uncles, and then first cousins.
- d. "Serious injury or illness" for a Current Service member means an injury or illness incurred by the Service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the Service member's active duty and was aggravated by service in the line of duty) that (i) may render the Service member medically unfit to perform the duties of the member's office, grade, rank or rating, or (ii) in the case of a veteran Service member, that manifests itself before or after the member became a veteran.
- e. "Serious injury or illness" for a Covered Veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is: (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR (2) A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR (3) A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

VI. SPOUSES EMPLOYED BY THE VILLAGE

If your spouse or civil union partner also works for the Village and you both become eligible for a leave under paragraphs 1a. or 1b. above, or for the care of a sick parent under paragraph 1c. above, the two of you together will be limited to a combined total of twelve (12) workweeks of leave in any rolling 12-month period. In addition, if you and your spouse both become eligible for a leave under the Military Caregiver Family Leave provision above or under a combination of the Military Caregiver Family Leave provision, paragraphs 1a. and 1b. above, or to care for your parent with a serious health condition under paragraph 1c above, the two of you together generally will be limited to a combined total of twenty-six (26) workweeks of leave in any single 12-month period.

VII. GENERAL MEDICAL CERTIFICATION

Any request for a leave under Section I., Statement of Policy, paragraphs (c), (d) or under Section V., Military Caregiver Leave (Service member Family Leave Provision) must be supported by certification issued by the applicable health care provider. You are required to

submit this information on the forms provided to you and available from the Human Resources Division within 15 days after receipt of such forms. Alternatively, in the case of Military Caregiver Leave, you may submit an invitational travel authorization or order from the Department of Defense to support your leave request.

You will be required to submit a new certification form for each leave year for a medical condition(s) that lasts longer than one year, and/or you will be required to submit periodic reports of your status and intent to return to work concerning an ongoing regimen of treatments or continuous FMLA time off as indicated on the *Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act) U.S. Department of Labor Form WH-381*. Additionally, you are required to submit a recertification of an ongoing condition every six (6) months in connection with an absence where the duration of the condition is described as "lifetime" or "unknown".

At its discretion, the Village may require a second medical opinion at the Village's expense and periodic recertification to support the continuation of a leave. If the 1st and 2nd opinions differ, a 3rd opinion can be obtained from a health care provider jointly approved by both you and the Village (unless you accept the second opinion as determinative). A second medical opinion generally will not be requested for Military Caregiver Leave, but may be requested if the Certification is completed by a health care provider who is not affiliated with the DOD, VA or TRICARE.

The *Genetic Information Nondiscrimination Act of 2008 (GINA)* prohibits employers and other entities from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical certification regarding your own serious health condition under this FMLA Policy. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

There is an exemption to GINA's limitation on the disclosure of family medical history when an employee requests a leave of absence under the FMLA due to a family member's serious health condition. In such situations, all information necessary to make the medical certification form complete and sufficient under the FMLA should be provided.

All documentation related to the employee's or family members' medical condition will be held by the Village in strict confidence and maintained in the employee's medical records file as provided by law.

VIII. INTERMITTENT LEAVE

If certified as medically necessary for the serious health condition of either the employee or their spouse, child or parent (Section I., Statement of Policy, paragraphs (c) and (d), above), or to care for a Covered Service member if you are a spouse, child, parent or next of kin to the Covered Service member (Section IV., Qualifying Exigency Leave), leave may be taken on an intermittent or reduced leave schedule. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, intermittent or reduced schedule leave may be taken only with the Department Head's consent and the Village Manager's approval as

provided by the FMLA. (*Note: This type of intermittent “bonding” leave is to be distinguished from situations where intermittent time off or a reduced schedule may be appropriate based on medical need such as where the mother has a serious health condition in connection with the birth of the child or if the newborn child has a serious health condition.*)

Intermittent leave also may be taken if the employee qualifies for leave because of a qualifying exigency as described in Section I., Statement of Policy, paragraph (e), subject to the submission of a certification prescribed by the Secretary of Labor.

If leave is requested on an intermittent basis, however, the Village may require that you transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position offers equivalent pay and benefits.

For eligible part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro rata basis in determining the amount of time off available. A weekly average of the hours worked over the 12 weeks prior to the commencement date of the leave should be used for calculating the employee's normal workweek.

IX. LIGHT DUTY WORK ASSIGNMENTS

If the employee has been provided approved light duty work, such light duty work time will not count towards total FMLA time taken for that occurrence.

X. NOTIFICATION AND REPORTING REQUIREMENTS

All requests for leaves of absence must be submitted to your Department Head or the Human Resources Division at least thirty (30) days in advance of the start of the leave, except when the leave is due to an emergency or is otherwise not foreseeable. If the leave is not foreseeable, you must provide notice as soon as “practicable”, which generally means either the same day or the next business day that the employee learns of the need for leave, in the absence of any unusual circumstances. A delay in submitting an FMLA leave request may result in a loss of FMLA protections and/or a delay of the start of your leave up to 30 days after notice is received. Your Department Head will receive the employees completed FMLA form and forward the form to the Human Resources Division to seek approval from the Village Manager or his/her designee.

The employee must respond to the Village's questions relative to the employee's leave request so that the Village can determine if the leave qualifies for FMLA protection; failure to do so may result in loss or delay of FMLA protections. If the employee is seeking leave due to an FMLA-qualifying reason for which the Village has previously granted the FMLA-protected leave, *the employee must specifically reference the qualifying reason or need for FMLA leave at the time of the employee's request to be away from work.* It is not sufficient to simply “call in sick” without providing additional information which would reasonably cause the Village to believe the employee's absence/time away from work may qualify as an FMLA qualifying event. In all cases in which the employee is seeking leave under this policy, the employee shall provide such notice to the Village consistent with the Village's established call-in procedures so long as no unusual circumstances prevent the employee from doing so. Failure to comply with the call-in procedures may result in a delay or denial of FMLA protected leave.

The employee must make an effort to schedule a leave so as not to disrupt business operations. During the leave, the employee may be required to report periodically on the employee's status

and the employee's intentions to return to work. Any extension of time for the employee's leave of absence must be requested in writing prior to the employee's scheduled return to work date, together with written documentation to support the extension. The employee's failure to either return to work on the scheduled date of return or to apply in writing for an extension prior to that date will be considered to be a resignation of employment effective as of the last date of the approved leave. Employees on leaves for their own serious health condition must provide fitness-for-duty releases from their health care provider before they will be permitted to return to work. The employees maximum time on a leave of absence, all types combined, and including all extensions, cannot exceed a total of twelve (12) weeks in a rolling twelve month period, unless the employee is a spouse, child, parent, or next of kin on leave to care for a Covered Service member, in which case the employee's leave can last for up to twenty-six (26) workweeks in a rolling twelve (12) month period.

In the event the employee takes paid leave which would normally qualify as Family/Medical Leave and normally be eligible for this purpose, the Village, in its discretion, may retroactively designate the leave as Family/Medical Leave.

An Employee shall not be granted a leave of absence for the purpose of seeking or taking employment elsewhere or operating a private business. Unauthorized work while on a leave of absence will result in disciplinary action, up to and including discharge.

An authorized leave of absence will not affect the continuity of your employment. Your original date of employment remains the same for seniority purposes. However, you will not accrue any benefits during the period you are on a leave.

XI. EMPLOYEE BENEFITS DURING FAMILY AND MEDICAL LEAVE OF ABSENCE, EFFECTS ON BENEFITS

- a. An employee granted a leave under this policy will continue to be covered under the Village of Mount Prospect's group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- b. Employee contributions will be required either through payroll deduction or by direct payment to the Finance Department of the Village of Mount Prospect. The employee will be advised in writing at or near the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- c. If an employee's contribution is more than 30 days late, the Village of Mount Prospect may terminate the employee's insurance coverage, after providing written notice to the employee that insurance coverage will be canceled if the employee's contribution is not paid within 15 days.
- d. If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the Village of Mount Prospect may seek reimbursement from the employee for the portion of the premiums paid by the Village of Mount Prospect on behalf of that employee. The premiums paid by the Village are also known as the employer contribution. The Village will be reimbursed the employer

contribution as well as retain any employee premiums paid during the course of the employee's leave

- e. A leave of absence will not affect the continuity the employee's employment. The employee's original date of employment remains the same for seniority purposes. However, the employee will not accrue any benefits (such as Paid Time Off (PTO) during any "un-paid" period the employee is on a leave. The employee will not lose Paid Time Off (PTO) or other benefits accrued prior to leave.
- f. An employee who is on unpaid leave will be responsible for paying the necessary pension contributions for appropriate service credit as defined by the pension system the employee is covered under.
- g. As a general rule, no employee may receive more than six (6) months of leave (including FMLA time off which will run concurrently with other leaves where applicable), except as required by law (i.e., to accommodate an individual with a disability when reasonable, PEDA time off, etc.). All leaves must be approved in advance by management in its discretion based on the unique business needs applicable to each department. In the case of a conflict between typical Village policy and an approved labor agreement defining the maximum period of unpaid leave, the labor agreement shall take precedence.

XII. RETURN FROM A FAMILY AND MEDICAL LEAVE

If the employee returns from leave on or before being absent for twelve (12) workweeks in a rolling twelve (12) month period or twenty-six (26) workweeks if the employee took a leave under the Service member Family Leave provision, the employee will be restored to the same or to an equivalent position to the one the employee held when the leave started. Of course, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. In determining whether a position is "equivalent" the Village would look at whether the position had substantially similar terms and conditions of employment and whether the position entails similar duties, skills, efforts, responsibilities, authority, privileges and status. The alternative position should be at the same worksite or a nearby worksite with a similar work schedule. However, the employee does not need to be reinstated in a position with the same job title or in the same physical office or work space as the prior position.

If the leave was due to the employee's own serious health condition, the employee will be required to submit a fitness-for-duty certification from the employee's health care provider in accordance with the Village's normal policies and practices applicable to other leaves of absence, certifying that the employee is able to resume work and perform the essential functions of the job (either with or without a reasonable accommodation). A list of the essential job functions will be made available to the employee for compliance with this requirement at the time the Village first requests a medical certification to support the employee's request for FMLA leave and before the Village designates the employee's leave as FMLA leave. If a reasonable job safety concern exists, the employee may also be required to provide a fitness for duty certification up to once every 30 days before returning from an intermittent or reduced schedule FMLA leave related to the employee's own serious health condition. Generally, a returning employee will be permitted to return to work within two (2) business days of the Village's receipt of a valid fitness for duty release.

If the employee fails to return to work at the expiration of the employee's approved Family and Medical Leave, it will be considered to be a resignation of the individual's employment with the Village. Likewise, an employee on FMLA leave who provides notice of their intent not to return to work upon expiration of a leave will lose their entitlement to FMLA leave and related benefits.

XIII. COORDINATION WITH OTHER POLICIES, USE OF PAID TIME OFF

- a. An employee will be required to substitute accrued sick leave for any part of an otherwise unpaid family/medical leave taken as a result of a serious health condition as defined in this policy or as defined by Village Sick Leave Use Policy.
- b. If approved by management in advance, an employee has an option of taking a period of leave without pay if the condition is such that sick leave would not normally be approved or in the situation in which the employee no longer has any accumulated paid time off.
- c. With management approval in advance, an employee has the option of protecting a maximum of two weeks of accumulated vacation time if the employee so chooses, while on FMLA leave. All other earned vacation time must be used concurrently with FMLA time off.

If the employee otherwise qualifies for any other type of leave of absence, the employee must take that leave at the same time as the employee is taking the Family and Medical Leave. All time missed from work that qualifies for both unpaid Family and Medical Leave, and for workers' compensation, will be counted towards the employee's Family and Medical Leave. To receive any type of paid time off benefit while on FMLA leave, the employee is required to meet the Village's conditions for taking the paid leave (although the Village may in its discretion waive any procedural requirement for the paid leave in appropriate circumstances).

XIV. ANTI-RETALIATION PROVISIONS

The Village does not engage, condone, or tolerate any retaliation against any employee who exercises his/her FMLA rights utilizing the Village's policy. If an employee feels that he/she may have been a victim of possible retaliation related to the exercising of the employee's FMLA rights, the employee is encouraged to contact the Human Resources Division so that the matter can be promptly investigated and remedied as appropriate.

XV. COMPLIANCE WITH OTHER LAWS

In administering this FMLA Policy, the Village complies with the *Americans with Disabilities Act* ("ADA") and any other relevant law. The Village may approve a reasonable request for an extension of a leave of absence beyond the amount of leave provided by the FMLA, approve a leave of absence for an employee who does not qualify for FMLA leave, or otherwise modify this Policy, as a reasonable accommodation for a disability or pregnancy related medical condition.

XVI. JOB PROTECTION

- a. If the employee returns to work on a timely basis following a family/medical leave of no more than 12 weeks, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.

- b. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
- c. If the employee fails to return following a family/medical leave of not more than 12 weeks, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee will be considered for open positions for which the employee is qualified.
- d. In order for proper Family/Medical Leave benefits to be provided to eligible employees, all requests must have final approval by the Village Manager or his designee.

XVII. FAMILY/MEDICAL LEAVE FORMS TO BE SUBMITTED TO THE EMPLOYER BY THE EMPLOYEE

- a. Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act); or Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act); or Certification of Qualifying Exigency for Military Family Leave (Family and Medical Leave); or Certification for Serious Injury or Illness of Covered Service member for Military Leave (Family and Medical Leave Act) - (must be returned within 15 calendar days of receipt from employer (unless it is not practical to do so under the circumstances despite employee's diligent good faith efforts). Failure to timely return the form(s) may result in a denial or delay of FMLA approved time off and such absences will be considered unexcused pursuant to our normal attendance guidelines.)
- b. Fitness for Duty to Return from Leave to perform all essential job functions with or without a reasonable accommodation is required of all employees returning from FMLA leave due to an employee's own serious health condition (the form is different for Sworn Personnel and will be supplied to the individuals by the appropriate Department.) A copy of the job description including essential job functions will be provided for this purpose at the time the Village first requests a medical certification from the employee and prior to designating the absence as FMLA leave.

XVIII. FAMILY/MEDICAL LEAVE FORMS TO BE SUBMITTED BY THE EMPLOYER

- a. The Designation Notice (Family Medical Leave Act) - (once the Village obtains information from the employee of a need for a leave and the *Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)* U.S. Department of Labor, Form WH-381 is complete, the Village will inform the employee within five (5) business days whether the employee's leave will be designated as FMLA leave and count towards the employee's FMLA leave entitlement.
- b. Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act); U.S. Department of Labor, Form WH-381;

IMPORTANT NOTE:

At the time of the distribution of this policy, Federal regulations continue to modify FMLA regulations for possible revisions. In the event of a change of law or interpretive regulation or if there is a conflict between the terms of this Policy and any applicable law or regulation, the law or regulation will govern in all cases. Also CBA governs if conflict.