

## **River Valley Child Development Services FAMILY AND MEDICAL LEAVE ACT (FMLA) LEAVE PROCEDURE**

Upon an employee requiring FMLA leave, the following procedures need to be followed:

1. Employee or designee communicates with director and supervisor (if applicable) about potential need for FMLA leave.
  - a. *Leave that is Foreseeable*: an employee must give at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. If an employee does not provide at least 30 days advance notice, and it was possible and practical to do so, the employer may delay the FMLA leave until 30 days after the date that the employee provides the notice.
  - b. *Leave that is Unforeseeable*: When the need for leave is unexpected, the employee must provide notice as soon as possible and practical. It should usually be reasonable for the employee to provide notice of leave that is unforeseeable within four days from when the event occurred.
2. Director and supervisor (if applicable) refers employee to policy to determine qualifying reason(s) for FMLA leave.
3. Employee submits completed *Request for FMLA Form* to director and supervisor (if applicable).
4. Director and supervisor (if applicable) consult(s) with Executive Director about FMLA leave request.
5. Executive Director determines contingent approval of FMLA leave request and notifies HR of decision.
6. HR will verify with Payroll that the employee requesting the FMLA leave is eligible (has met the 1,250 hour requirement), and will inform Executive Director of their eligibility.
7. Executive Director notifies director and supervisor (if applicable) that employee can proceed with the FMLA leave request.
8. Employee is notified by HR either by email, phone, or in person whether they are eligible to move forward with FMLA leave process or not.
9. Employee will contact HR to retrieve appropriate forms. Employee submits completed forms to HR including but not limited to Certification of Health Care Provider, Short Term Disability Claim Form, Leave Request Form, Short Term Disability/Family Medical Leave Request Form.
  - a) The employee must provide the requested medical certification within 15 calendar days after an employer's request, unless it is not feasible under the particular circumstances to do so despite the employee's good faith efforts, or if the employer permits more than 15 calendar days to return the requested certification.
  
  - b) When an employee makes diligent good faith efforts but is unable to meet the 15-calendar day deadline, the employee is entitled to additional time to provide the certification. If an employee fails to return the certification in a

timely manner, the employer can deny FMLA protections for the leave following the expiration of the 15-calendar day time period until a complete and sufficient certification is provided. However, the 15-day period and the period of absence beginning the day the certification was received is FMLA-protected leave.

c) If an employee fails to provide a certification within 15 calendar days from receipt of the request for certification but made diligent, good faith efforts to do so and the delay was due to extenuating circumstances outside his or her control, the employer may not deny the leave for the period that the certification was late. In all cases, if the employee never produces the certification, the leave is not FMLA-protected leave.

10. Executive Director and HR will determine final approval of FMLA leave, which is contingent on the **completion and submission** of the appropriate forms.
11. HR will then send a letterhead by email to employee, director and supervisor (if applicable), that states approval of FMLA leave and the time period in which it can be used.
12. Once the time period has been established, an employee has 480 hours (or 1,040 hours for military leave) to use for any and all qualifying events. For **each** specific qualifying event, an employee is required to go through the above process.
13. If FMLA is not approved, leave time taken is counted as absences and progressive discipline may be taken if an employee does not have enough paid leave to cover the absences.
14. Return to work certification as per policy should be given to supervisor who will forward it to HR. This will be kept in the HR file, with other FMLA paperwork.
15. Once an employee's FMLA leave year expires, he/she will have to go through the entire FMLA leave process for **each** specific qualifying event.

#### **Additional Rules for Intermittent FMLA**

1. An employee who has been granted intermittent FMLA is required to provide a daily plan of absence to his supervisor while on approved intermittent FMLA.
2. Ongoing communication with the supervisor when an employee is off on intermittent FMLA is required.
3. An employee is expected, when possible, to notify his supervisor in advance of absences related to intermittent FMLA.

***An employee will need to follow standard leave request procedures for any absence that does not meet guidelines of intermittent FMLA approval.***