

MAINE FAMILY MEDICAL LEAVE ADMINISTRATIVE PROCEDURE

The following administrative procedure covers the main provisions of the Maine Family Medical Leave Act (MFMLA). These guidelines in no way attempt to modify the statute, which should always be referred to when questions about implementation arise. The Ellsworth School Department (ESD) is responsible for analyzing each ESD employee's request for leave to determine whether the employee is eligible under the federal and/or state statute. When an ESD employee is eligible for leave under both the federal and state statutes, the applicable law with regard to each benefit shall be the one which provides the greater benefit, usually the Federal Family Medical Leave Act .

ELIGIBILITY

To be eligible for Family Medical Leave (FML), ESD, employees must have been employed by the ESD for 12 consecutive months and must not have taken FML within the preceding 24-month period, or if FML was used, they must have used less than 10 weeks of FML.

Under the MFMLA, an eligible ESD employee is entitled to up to 10 consecutive weeks of leave during a 24-month period for the following reasons:

- A. Serious health condition of the employee;
- B. Birth of the employee's child;
- C. Placement of a child 16 years of age or less in connection with the adoption of the child by the employee; or
- D. Serious health condition of a child, parent, or spouse.

Note: Serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider.

ADMINISTRATION

- A. The ESD may require certification from a physician to verify the amount of leave requested. An employee who in good faith relies on treatment by prayer or spiritual means, in accordance with the tenets and practice of a recognized church or religious denomination may submit certification from an accredited practitioner of those healing methods.
- B. An ESD employee requesting leave shall provide at least 30 days' notice of the intended dates upon which the leave will commence and terminate, unless prevented by medical emergency from giving required notice.
- C. Any leave taken for MFMLA qualifying purposes, including leave taken under employment policies, bargaining agreements, or contracts, shall also be considered leave under the MFMLA and shall be applied to an employee's 10-week MFMLA entitlement every 24-month period. When paid leave taken for MFMLA qualifying purposes is exhausted, the balance of FML shall be unpaid.
- D. During Maine Family Medical Leave, an employee shall be permitted to continue his/her medical insurance plan, providing the employee remits the monthly premium to the Superintendent's Office no later than the first day of the month for which the premium is due.

- E. Upon an employee's return to work, he/she will be restored to his/her previous position or to a position with equivalent seniority status, benefits, pay, and other conditions and terms of employment.
- F. An employee taking Maine Family Medical Leave for his/her own serious health condition may be required to submit certification that he/she is fit to return to work and is able to perform the functions of the position.
- G. If at the end of the allowable leave under Maine Family Medical Leave the employee is unable to return to work because of his/her own serious health condition, the Superintendent and School Committee may consider a request for extension of unpaid leave and benefits on a case-by-case basis. **Failure to return to work upon the expiration of Maine Family Medical Leave may subject the employee to immediate termination unless such an extension is granted.**
- H. An employee who is not eligible for Maine Family Medical Leave may be eligible for federal Family and Medical Leave.

Legal References: 26 MRSA § 843 et seq.

Adopted: **July 1998**

Revised: **November 7, 2006** (formatting, grammar only)