

Monroe County Public Library

RESOLUTION TO REPLACE THE CURRENT SICK BANK WITH SHORT-TERM DISABILITY INSURANCE AND MAKE ASSOCIATED PERSONNEL MANUAL AND INSURANCE CHANGES

Whereas, since 1998 Monroe County Public Library employees have contributed to a voluntary sick bank as partial protection against loss of income in the event of catastrophic illness or injury; and

Whereas, the Board of Trustees now desires to improve income protection to benefit additional employees and in more circumstances, and to protect the privacy of employees' sensitive health information, while further protecting the library from extended liability;

NOW THEREFORE, BE IT RESOLVED that the Board directs library administration to take the following actions:

1. Revise personnel manual sections 4.02, 4.03, 4.06, 4.09.2, and 4.19 in order to eliminate the current sick bank, add short-term disability insurance, and update language to reflect current law, as outlined in attached documents.
2. Return accumulated sick bank days to the 46 current employees who have contributed, up to the new cap of 75 days allowed in the revised policy.
3. Add short-term disability insurance through Guardian to the library's 2013 package of benefits for employees who work 30 hours/week or more and as a voluntary employee-paid benefit for those working 25 hours/week, retroactive to January 1, 2013.
4. Amend the 2013 contract with long-term disability insurance provider Guardian to shorten the current elimination period for long-term disability insurance from 180 days to 90 days, retroactive to January 1, 2013.

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Monroe County Public Library

Concept Document

Sick Bank and Short Term Disability Benefits

Objectives

1. Eliminate practices that would result in breaches of privacy related to personal medical information in accordance with Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), Worker's Compensation, Genetic Information Non-discrimination Act, and Health Insurance Portability and Accountability Act (HIPAA) laws.
2. Protect employees' income when they are unable to work, while assuring that the library can continue to operate.
3. Strengthen and clarify expectations of job security for employees facing medical challenges.
4. Allow for the most fair and equitable implementation, with flexibility to meet employee and library needs.
5. Do not exceed the current budget, while reducing the library's long-term liability for accumulated sick leave.

Process

The Director, Associate Director, Human Resources Manager, and Financial Officer developed a comprehensive list of current benefits and possible options for review. Because of the need to address the outdated sick leave bank, they decided to address this area first.

They gathered data about current sick bank participants and accumulated contributions as well as current usage of sick leave and accumulated leave totals. They contacted other local government entities, including MCCSC, RBBCSC, City of Bloomington, Monroe County, and Indiana University, as well as Indianapolis, Allen County, and Evansville-Vanderburgh County public libraries to gather information about their practices.

They worked with insurance broker JA Benefits to investigate options and costs for short-term disability (STD) insurance and to identify best practices in creating a continuum of coverage.

They reviewed options and developed recommendations, including impact on current personnel policies.

They met with managers and with the Labor-Management Committee and with managers to explain and discuss the proposed changes.

Findings

Sick bank coverage and privacy issues. The library's current sick bank is a legacy benefit that is voluntary for employees to join and does not comply with our legal obligations to protect private health information under various federal privacy and discrimination laws. Adopted by the Board of Trustees on March 4, 1998, the sick bank was intended for catastrophic circumstances only. Currently, 62 of 145 eligible employees have chosen to contribute days and participate (45 have actually contributed days, while those joining since 2007 have not had days withheld); the remaining 83 employees are not covered by the sick bank. Even with 62 participants, the total days contributed to the sick bank could easily be exhausted if one or two employees suffered long-term catastrophic illnesses. Currently, the sick bank includes 1133.5 hours (151 full-time days or 30 weeks); that total would increase to roughly 275 days or 55 weeks if retroactive days were contributed.

Under current policy, an employee requesting to use sick bank days is required to submit detailed medical documentation to the HR office. If the HR office denies the request, the employee may appeal

to the Staff Association, in which case the medical documentation would be reviewed by this employee group. Both of these situations are breaches of current privacy and discrimination laws, enacted after the sick bank was created.

Continuum of coverage. Currently, an employee may accumulate 130 days (26 weeks) of sick leave. Earning 12 days per year, an employee would need nearly 11 years without absence to accumulate that amount of sick leave. When an employee needs an extended medical leave, he/she may use up accumulated sick leave. Personal leave may be used to supplement sick leave, with approval of the department manager.

Over the last 12 months, employees in the four groups (full-time, 30 hours/week, 25 hours/week, and 20 hours/week) used between 4.4 and 6.7 days of sick leave, on average, including FMLA leave for the full-time and 25 hour/week group (Table 1).

Table 1: Usage of Sick Leave, Full-time and Part-time Employees			
11/18/2011 – 11/19/2012			
	No. of Employees*	Average Hours of Sick Leave Used	Average Days of Sick Leave Used
Full time (37.5 hr/wk)	91	50.0	6.7
Part time: 30 hr/wk	3	25.8	4.4
Part-time: 25 hr/wk	26	26.2	5.2
Part-time: 20 hr/wk	25	18.6	4.6
TOTAL	145		
*Includes all employees on the payroll for any part of the period.			

The majority of employees have not accumulated enough sick leave to sustain a major illness or injury, leaving them vulnerable to loss of income. Despite the current cap of 130 sick days, the average accumulation of sick leave for full-time and part-time employees as of mid-November 2012 was less than 25 days for both full-time and part-time groups (Table 2).

Table 2: Current Average Accumulation of Sick Leave, Full-time and Part-time Employees			
	No. of Employees	Average Accumulated Hours of Sick Leave	Average Accumulated Days of Sick Leave
Full time (37.5 hr/wk)	85	173.7	23.2
Part time: 30 hr/wk	3	149.3	24.9
Part-time: 25 hr/wk	19	87.8	17.6
Part-time: 20 hr/wk	21	41.7	10.4
TOTAL	128		

Under this proposal, 26 employees who have accumulated more than 600 hours of sick leave would lose some of that leave, as the cap is reduced from 130 days to 75 days (or 975 hours to 562.5 hours for full-time employees), while 81 employees who have accumulated less than 600 hours of sick leave would gain income-protection (Table 3).

Table 3: Current Average Accumulation of Sick Leave, All Employees and 30 hour/week+ Employees			
Hours Accumulated, as of 9/7/2012	37.5 and 30 Hour/Week; Eligible for STD	25 Hour/Week; Eligible for Voluntary, Employee-paid STD	20 Hours/Week or Less; Not Eligible for Library-funded STD
900-975	15		0
800-899	3		0
700-799	2		0
600-699	6	1	0
<i>Sub-total: Those with more than 500 hours accumulated leave; would lose some leave under proposal</i>	26	1	
500-599	5		0
400-499	6		2
300-399	3		1
200-299	16	2	1
100-199	14	6	9
1-99	19	10	9
Less than 20 hours/week, Not eligible for sick leave			32
<i>Sub-total: Those with less than 500 hours accumulated leave; would gain income protection under proposal</i>	63	18	
TOTAL	89	19	54

FMLA offers job protection for employees and limits library liability. FMLA guarantees eligible employees that they can take up to 12 weeks of leave to care for themselves or family members. Employees can use sick leave, personal leave, or unpaid leave, and use of leave can be full-time or intermittent. Employees must have worked 1,250 hours before becoming eligible or re-eligible. FMLA also protects the library, which has the right, after employees have used up the 12 weeks guaranteed leave and are still unable to return to work, to make a business decision as to whether the continued absence will result in termination.

The three systems – sick leave, sick bank, and FMLA – create conflicts in coverage that are awkward for both employees and the library. Employees who have exhausted their FLMA-guaranteed 12 weeks of leave and who still have sick or personal leave available expect to continue in employment until that earned sick leave (and perhaps personal leave) is exhausted. Indeed, they may need the income and may not yet be able to return to work. If they continue to be unable to work after six months, they can qualify for long-term disability, at which time they leave employment with the library and have a source of ongoing income. Those who have exhausted sick and personal leave expect to be able to use the sick bank, but they must have contributed days and must prove their situation is “catastrophic.”

For the library, covering more than 12 weeks’ absence for an employee on sick leave may be very difficult. However, to make the decision to terminate an employee who is not yet (and may not ever be) able to return to work is also very difficult. Continuing to hold the position for an absent employee puts stress on other employees and library operations and may not be sustainable.

Comparison with similar libraries. In a comparative analysis completed by the Evansville-Vanderburgh County Public Library in April 2012, the library’s sick leave benefits, not including the sick bank, compare well in several areas with 15 other Indiana and national libraries serving the same number of people:

- The average number of sick days earned per year was 12; our employees currently earn 12 earn days/year. More recent communications with Indianapolis, Allen County, and Evansville Vanderburgh County Public Libraries revealed that, while the number of sick days earned annually is comparable, MCPL’s cap is substantially higher –130 days, compared with 60, 65, and 90.
- 10 of 15 peer libraries offer long-term disability insurance, including MCPL; 8 of the 10 are 100% employer paid, including MCPL.
- Among the 15 libraries included in the comparison, 7 offer short term disability insurance and 8, including MCPL, do not. Of the 7 libraries offering short-term disability insurance, 3 of the libraries pay 100% of the cost; 4 are completely employee-paid.

Recommendations

1. Terminate the sick bank and return the accumulated days to the 46 current employees who have contributed, up to the new cap of 75 days allowed in the policy.

Discontinuing the sick bank would allow the library to remove itself from reviewing and making decisions based on detailed employee medical information that is protected by HIPAA. An employee’s health information will remain private, known only to the employee, medical professionals, and insurance professionals, who will make the determination whether the employee is able to return to work or not. Consultation with the Human Resources representative may occur in determining if the employee is able to perform essential duties of the position.

2. Add short-term disability insurance to the library’s package of benefits for employees who work 30 hours/week or more and as a voluntary employee-paid benefit for those working 25 hours/week.

For full-time and 30-hour/week employees, STD coverage would begin 1) after the employee has exhausted accumulated sick and personal leave or 2) following a 14-calendar-day elimination period and would continue until 11 weeks from the first leave day, until employees are able to return to work or until they are one week away from qualifying for long-term disability insurance after 90 days. STD would pay 70% (the maximum available) of the employee’s normal wage, up to \$1,000/week.

All employees working 30 hours/week or more would be covered, not just those who have elected to participate in the sick bank and have a catastrophic illness. In the event of a significant health issue **and exhaustion of leave from the library**, their income would be replaced by short term disability insurance until they could return to work or qualify for long term disability insurance.

The library could implement FMLA, with the confidence that affected employees working 30 hours/week or more have income through STD insurance.

STD insurance would provide a source of income for covered employees who are facing medium-term medical situations, which the sick bank does not, and would expand coverage beyond the sick bank's limitations. In addition, STD would ensure that every covered employee has some income during an extended absence.

Employees who work fewer than 30 hours/week would not be covered by the employer-paid STD. Most 25 hour/week employees are often ineligible for FMLA, as they have not worked the required 1,250 hours in the preceding 12 months. However, they would be eligible for voluntary (employee-paid) STD insurance.

20 hour/week employees **are not covered by FMLA and** would not have access to STD insurance, but would continue to earn sick leave.

The approximate cost to the library for 2013 would be \$18,100. The cost of STD insurance to cover employees working 30 hours/week or more would be approximately \$16,000. In addition, we propose to shorten the elimination period for long-term disability from 180 days to 90 days, and this would increase the cost of LTD insurance by approximately \$2,100. Because we budgeted for a 10% increase in employee insurance and had a much lower increase, the library's 2013 budget is adequate to cover this cost.

3. Shorten the current elimination period for long-term disability from 180 days to 90 days and amend the 2013 contract with long-term disability insurance provider Guardian.
4. Reconfigure maximum allowable accumulation of sick leave as outlined in the chart below:

	Annual Sick Leave Earned		Sick Leave Cap	
	Current	Proposed	Current	Proposed
Sick Leave				
37.5 hour employees	12	12	130 days	75 days
30 hour employees	12	12	130 days	75 days
25 hour employees	12	12	130 days	75 days
20 hour employees	12	12	130 days	75 days
Short-term disability insurance eligibility				15-89 days
Long-term disability insurance				90 days+

With expected tight staffing constraints now and in the future, the library's ability to continue service is negatively impacted during lengthy employee absences. Reducing the number of sick

days earned and accumulated will help the library create a consistent message about the library's obligations under FMLA.

As of September 7, 2012, the library's accumulated liability for sick leave pay-out upon retirement was \$160,266. No changes are proposed to the current policy of paying for one unused accumulated sick day per year of service for employees upon retirement.

DRAFT

Timeline with FMLA, Comparing Current Sick Bank with Proposed Short-Term Disability

Scenario 1A - Current, Sick Bank Eligible

Medical Leave Timeline with Sick Leave and Sick Bank (46 employees, time available in bank, and situation "catastrophic")

	FMLA Job Protection																															
Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Leave	Sick & Personal Leave, if available, or Unpaid												Determination based on recovery & business need assessment by Administrator																			
% Pay	100% Pay, if sick or Personal leave available Sick Bank Paid Leave, if contributing and meet "catastrophic" definition												60% of MCPL income EE off library payroll																			
												Potential liability for time off to be paid out of library budget																				

Scenario 1B- Current, Sick Bank Not Eligible

Medical Leave Timeline with Sick Leave (No Sick Bank: 114 employees not contributing, no time available in bank for 46 eligible, or situation not "catastrophic")

	FMLA Job Protection																															
Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Leave	Sick & Personal Leave, if available, or Unpaid												Determination based on recovery & business need assessment by Administrator																			
% Pay	100% Pay, if sick or Personal leave available												60% of MCPL income EE off library payroll																			
												Potential liability for time off to be paid out of library budget																				

Scenario 2 - Proposed

Medical Leave with Sick, STD and LTD (covers illness or injury)

	FMLA Job Protection																															
Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
Leave	Short Term Disability (STD)*												Long Term Disability																			
% Pay	Qualify: SL/PL/ Unpaid	70% (Voluntary 60%) of MCPL income										Gap SL/PL or Unpaid	60% of MCPL income EE off library payroll																			
												Decision to terminate based on recovery & business need assessment by Administrator																				

Scenario 3 - Proposed: Use Sick/Personal Leave First

Medical Leave with Sick, STD and LTD (covers illness or injury)

	FMLA Job Protection																															
Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32

Option 1: Use Sick or Personal Leave

Leave	Use Sick/Personal Leave only												Long Term Disability											
% Pay	100% from library												60% of MCPL income											

Option 2: Have less than 12 weeks Sick or Personal Leave

Leave	Qualify: SL/PL/ Unpaid	Short Term Disability (STD)*										Gap SL/PL	Long Term Disability										
% Pay	SL/PL: 100% library	70% (Voluntary 60%) of MCPL income										Unpaid	60% of MCPL income EE off library payroll										
												Decision to terminate based on recovery & business need assessment by Administrator											

4.02 SICK LEAVE (*regular staff working 20 or more hours/week*)

As amended by the MCPL Board of Trustees July 19, 2006 and _____.

Staff working 20 or more hours per week are allowed leave with pay for illness. Sick leave time is intended solely to provide income protection in the event of illness, injury, care of a family member, ~~or~~ medical appointment, or as indicated under FMLA and may not be used for any other absence. Abuse of sick leave policies shall result in disciplinary action, up to and including termination.

Staff working fewer than 20 hours/week do not receive paid sick leave and are encouraged to schedule medical appointments on non-working hours when possible. If this is not possible, staff will need to work with their supervisor or department manager to make necessary arrangements to cover or reschedule shifts.

Paid sick leave may be used in minimum increments one quarter (1/4) hour for hourly employees. The quarter (1/4) hour leave increment also applies to *any* employee using sick leave under FMLA leave, as approved by the Human Resources Manager; especially as it pertains to intermittent/reduced schedule FMLA leave. Otherwise, exempt employees use sick days in full-day increments. See 3.05 Overtime policy regarding exempt employees.

The employee must use all income protection leave prior to a determination of whether unpaid leave will be classified as approved or unapproved leave.

Employees may use sick leave when incapacitated by illness or injury, when seeking preventive medical attention such as, optical and dental appointments as necessary, when seeking psychological counseling with an accredited therapist, or when it is necessary to care for members of the immediate family who are ill or hospitalized. Immediate family is defined as the employee's spouse, child, parent, sibling, step-parent, step-child, grandparents, grandchildren, any person living in the immediate household, or any of the above as they pertain to the employee's spouse. Exceptions to the above definition may be made with prior approval by the Library Director or Associate Director who will base their decision on the patient's relationship to the employee.

Employees must notify the library at the earliest possible moment when they are incapacitated by illness or injury. This means that every day of a short-term illness (less than three (3) work days) must be reported via a phone call to the supervisor or designated staff member of the department. The designated supervisor must also be contacted on each additional day of absence. Failure to report illness is cause for disciplinary action, up to and including termination of employment.

See 4.19 FMLA Leave for illness/injury extending beyond three (3) work days.

If there is a pattern observed in the use of sick leave, or the illness or injury is prolonged beyond three (3) work days, a doctor's statement or certificate will be required and ~~will~~ may replace the daily phone call. The certification should include the nature of the illness and the earliest date at which the employee can return to work. The library may require certificates from more than one doctor. The library reserves the right to determine if extensive non-FMLA leaves can be accommodated.

Managers and Supervisors, in consultation with the Human Resources Manager, may require confirmation of a personal illness, injury, or medical/dental appointment, or the need for family care, through a licensed physician's statement, when any of the following apply:

- An employee has been absent on three or more consecutive days, and/or the employee has a pattern of absenteeism.
- The employee has received prior disciplinary action for absenteeism during the prior twelve months.
- The manager/supervisor has ~~substantial~~ cause to believe that the claim is dishonest.

In determining whether there is a pattern of absenteeism, absences approved by the library under the Americans with Disabilities Act or Family and Medical Leave Act will not be considered.

This ~~paragraph~~ policy will not be construed to limit the library's right to require a physician's statement or other medical documentation to support, a long-term absence, including FMLA, an employee's fitness to return to work, an employee's continued ability to perform the assigned tasks, or to determine an employee's eligibility for other benefits or to comply with any state or federal requirement.

~~This certificate will qualify the employee to remain on sick leave until the expiration of accumulated sick days. When illness exceeds four (4) work weeks and recovery date is unknown, a doctor's certificate may be required monthly.~~

See 4.19 Family and Medical Leave; D (4) and 4.06 Short Term Disability.

Sick Leave Accrual

One (1) benefit day of sick leave is earned for each full calendar month with the first and last month of employment being prorated. A benefit day is one-fifth of the week or 4 hours for 20 hours per week employees, 5 hours for 25 hours per week employees, 6 hours for 30 hours per week employees, and 7.5 hours for 37.5 hours per week employees. Unused sick leave may accumulate up to a maximum of ~~130~~ **75** working days. Remaining sick day accruals are not paid out at the end of employment. ~~unless the employee participates in the sick bank, in which case the maximum is decreased by the number of days donated to the sick bank.~~

Personal leave may be used to supplement accrued sick leave with the approval of the Human Resources Manager. ~~If all benefit time has been exhausted and the employee has contributed to the sick bank, the employee may proceed with applying for use of the sick leave bank (see section on sick leave bank). The employee may also request FMLA (see 4.19 on FMLA), or, if not eligible for FMLA, a leave without pay (see 4.11 Leave Without Pay (staff working 20+ hours/week).~~

If an employee happens to be on an approved personal leave, sick leave ~~can not~~ cannot be substituted for personal leave unless there is an extreme circumstance, such as employee being is hospitalized for illness or injury and producing documentation from the employee's health care provider stating they are unable to work. The employee must immediately notify ~~his/her~~ the Human Resources department manager who may approve a change in the leave request.

To use sick leave for scheduled medical needs, an employees ~~must notify their supervisor and request a leave of absence.~~ submit an absence approval form. are responsible for entering leave requests using the Library's time management system. Managers and supervisors may assist with documenting unanticipated sick leave requests. ~~This form does not need to be submitted after using unanticipated sick leave.~~

STD Leave and FMLA Leave

When an employee is eligible, Short Term Disability (STD) coverage will be used in place of sick leave after the initial waiting period; beginning on the later of the two: on the fifteenth day of a qualified absence or when Sick and Personal Leave has been exhausted.

Sick/Personal/and other paid and unpaid leaves, including Worker's Compensation leave, run concurrently with FMLA leave, when applicable.

Fitness for Duty

If sick leave is used while on FMLA leave, the Department of Labor certification of health care provider form shall be completed and submitted to the Human Resources Manager.

Before returning to work from a sick leave absence of thirty (30) calendar days or more, an employee shall be required to provide a physician's verification that he or she is fit-for-duty, taking into account the essential duties of the job.

A physician's statement may also be required for shorter periods of absence. Indicated restrictions as related to the employee's job duties will be fully considered in determining the library's ability to accommodate short-term medical restrictions and/or absences.

Unused Sick Leave Accruals

Unused sick leave will not be paid upon termination of employment unless the employee retires under PERF.

See 4.09 Retirement Benefits-Insurance-Sick-Leave Credit and the Public Employees' Retirement Fund web site for further information.

4.03 SICK LEAVE BANK POLICY FOR EMPLOYEES OF THE MONROE COUNTY PUBLIC LIBRARY

The purpose of a Sick Leave Bank is to provide some additional financial assistance to employees of MCPL who are unable to work due to catastrophic or chronic illness or injury and who have exhausted their available sick and personal leave hours. Catastrophic or chronic illness/injury is defined in terms of a life-threatening or emergency situation, or when an individual is incapacitated while recovering from surgery and must be absent from work on a long-term basis. The Sick Leave Bank is not intended to cover all types of absences for which an employee has insufficient leave, for example routine maternity/paternity leave or routine minor surgery. Time from the Sick Leave Bank may be used when an employee must be absent from work in order to care for a family member suffering from a catastrophic illness/injury.

Participation in the Bank is voluntary, and only participants can withdraw from the Bank. The Bank will be established through the voluntary donation of individual employee's accrued sick leave hours. Individuals will contribute time they have saved to the Bank so that other employees who have exhausted their sick leave and personal leave hours may withdraw sick leave hours from the Bank, enabling them to take an extended time off from work with pay. Employees are limited in the number of days they can donate to the Bank. The number of days an employee donates to the Bank will be deducted from the total amount of sick time that may be accumulated for personal use. Once sick time is donated, the time may not be taken back except through the application process. Employees also are limited in the amount of time they can withdraw from the Bank. In no case shall employees withdraw more time than they would normally earn in salary. Employees who are eligible for long-term disability may not use the Sick Leave Bank.

4.06 Short Term Disability Leave

MCPL provides short-term disability (STD) as an income protection insurance plan that is available under certain circumstances for 30 hour and 37.5 employees who are eligible under the terms of the STD insurance contract purchased by the library policy.

During the first thirty-one (31) days of employment, eligible 30 hour and 37.5 hour employees may apply for coverage under the STD group benefit plan purchased by the library. Eligibility to apply for coverage begins on the first day of the calendar month following thirty (30) days of employment.

Part-time employees working 25 hours a week are eligible for purchasing voluntary STD benefits. There is a 90-day waiting period after hire. The part-time 25 hour employee may also elect STD coverage during MCPL's annual employee benefit open enrollment period.

Part-time 20 hour employees are not eligible for voluntary STD coverage.

Coverage benefits under the STD are determined by the terms of the STD policy. Specific policy coverage and benefit information is available from the Human Resources Department. However, the benefits, eligibility terms, and conditions of the STD may change from time to time based upon the policy then in effect. Employees may contact the Human Resources Department with questions and to obtain current information.

The terms, conditions, eligibility and specific coverages are determined by, subject to and controlled by, the insurance companies and the policies, not by MCPL.

Eligibility

An employee enrolled in the library's STD plan and unable to work due to illness, pregnancy or injury may be eligible for the STD benefit coverage. The employee will use available sick/personal leave, or *approved* unpaid leave prior to the beginning of the STD benefit due to a qualifying event. The STD benefit begins on **the later of the two: on the fifteenth day of absence, or at which point their accumulated sick and personal leave is exhausted.**

To be eligible for continued short-term disability benefits, the employee must not engage in outside employment and is expected to avoid activities that may delay recovery and a return to work.

Medical certification

The employee is responsible for contacting and providing information to the STD insurance provider.

Medical certification for FMLA leave will be coordinated between the employer, the insurance provider, and the employee.

See 4.19 Family and Medical Leave

Benefit payment

The short-term disability benefit payment is a percentage of the employee's base weekly wages and may change from time to time, and is paid for a time set forth in the STD insurance policy. Please see the Human Resources Department for information regarding the current benefits. Payments are made through the STD insurance benefit provider. The benefit is taxable income.

Return to work

The employee must return to work as soon as permitted by his or her health care provider and a fitness-to-return-to-work clearance as determined by the STD insurance provider. An employee whose absence has been designated as leave under the Family and Medical Leave Act (FMLA) is eligible for reinstatement as provided by the FMLA.

Employees with any questions regarding this policy should contact the Human Resources department.

4.09.2 CREDIT FOR UNUSED ACCRUED SICK LEAVE

~~The MCPL Board of Trustees agrees to compensate employees who retire under PERF prior to January 1, 2008 for two (2) unused accrued sick days for every full year credited to PERF. The maximum amount of sick days paid is sixty (60) (30 years under PERF).~~

~~The MCPL Board of Trustees agrees to compensate employees who retire under PERF ~~on or~~ after January 1, 2008 for one (1) unused accrued sick day for every full year credited to PERF. The maximum amount of sick days paid is thirty (30) (30 years under PERF).~~

4.19 FAMILY AND MEDICAL LEAVE

~~The Family and Medical Leave Act provides eligible employees with up to twelve (12) weeks of unpaid leave (1) to care for the employee's child following birth or placement for adoption or foster care; (2) for absences due to the employee's own serious health condition, including absences for pregnancy-related conditions or childbirth; or (3) to care for the employee's father, mother, spouse, minor child, or disabled adult child who has a serious medical condition. A definition of "serious medical condition" is included on the FMLA Medical Certification Form, a copy of which can be obtained through the Human Resources Manager.~~

~~An employee shall use any accrued paid sick, personal, or vacation leave for any part of the 12-week period under MCPL's FMLA policy.~~

~~During FMLA, the employee will retain his or her employment status and the benefits he or she has accrued. Benefits, such as vacation, paid personal leave, or holidays, will accrue during family/medical leave. In addition, any employee who completes a period of leave will be returned either to the same position the employee was in prior to the leave, or to a position equivalent in pay, benefits, and other terms of employment.~~

~~Employees must meet federal FMLA eligibility requirements. For an employee to be eligible for family medical leave, he or she must have been employed by MCPL for at least one (1) year and worked 1,250 hours within the previous 12-month period.~~

~~For purposes of calculating employee entitlement for subsequent FMLA leaves, the "12-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee would be entitled to twelve (12) weeks of leave during the year beginning on the first date FMLA is taken (e.g., March 5, 2004); the next 12-month period would begin the first time leave is taken after completion of that 12-month period ending (e.g., March 4, 2005).~~

~~When the need for an FMLA leave is foreseeable, the employee is required to give MCPL thirty (30) days written notice or, if this is not possible, as much notice as is practical.~~

~~An employee undergoing planned treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to MCPL operations.~~

~~The provisions of this policy shall be governed by The Family and Medical Leave Act of 1993. All requests for FMLA leave must be submitted, in writing, to the Human Resources Manager to make a determination. Such requests shall be supported by medical certification on FMLA forms provided by MCPL. Employees should contact the Human Resources Manager to secure such forms and procedures used for requesting leave under MCPL's Family Medical Leave Act policy. A determination for granting or denying a FMLA leave will be delayed until medical certifications are provided by the employee.~~

~~Employees granted family or medical leave for reasons other than parental leave after the birth, adoption or foster placement of a child may be required to obtain certification from a health care provider describing the circumstances requiring the employee's absence. MCPL requires medical certification to support a claim for leave for an employee's serious illness or injury; or the serious illness or injury of a child, spouse, or employee's parent. For an employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of his or her position.~~

~~MCPL reserves the right to require a second medical opinion from an independent medical provider. MCPL will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought, MCPL will pay for the third opinion. The opinion of the third medical provider is final and binding on both MCPL and the employee.~~

~~For leave to care for a seriously ill or injured child, spouse, or employee's parent, the certification must include an estimate of the amount of the employee's time that will be needed to care for the child, spouse, or parent. MCPL reserves the right to require a second medical opinion from an independent medical provider. MCPL will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought, MCPL will pay for the third opinion. The opinion of the third medical provider is final and binding on both MCPL and the employee.~~

~~MCPL may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work. The employer may consider an employee failure to report to work at the end of the leave period as the employee's voluntary resignation.~~

~~In situations where both husband and wife both work for MCPL and the FMLA is requested and approved to care for a newborn child or a child newly placed for adoption or foster care the husband's and wife's combined total leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.~~

~~Any health plan, including self-insured plans, provided by MCPL will be continued for the employee on Family and Medical Leave on the same terms as such coverage would have been provided if the employee had continued his or her work during the period that he or she was on leave covered by the FMLA. MCPL employees are responsible for paying their share of the premium costs while on FMLA leave. If the employee fails to return to work, he or she shall repay MCPL's portion of the premium costs.~~

~~While an employee is on FMLA, he/she shall not be engaged in outside employment; any exceptions shall be approved in advance of taking FMLA by MCPL Library Director.~~

It is the policy of the Library to comply with the Family and Medical Leave Act of 1993 ("FMLA"). The Library posts the mandatory FMLA Notice and, upon hire, provides all new employees with notices

required by the U.S. Department of Labor ("DOL") on Employee Rights and Responsibilities under the FMLA.

The Family Medical Leave Act of 1993, as amended, is a lengthy, complex law with over a hundred pages of federal regulations written to explain and aid in the application of the act. The FMLA can often overlap with other federal laws and regulations and Library policies. The function of this policy is to provide Library employees with a general description of their FMLA rights. This information is only a general summary of the steps to follow when considering a request or need for family or medical leave. For questions about the applicability of the following provisions and/or assistance with the required forms, please contact the Human Resources office.

The intent of the FMLA and of this policy is to allow an eligible employee to take job-protected, leave because of a serious health condition that results in the employee being unable to perform the functions of the employee's position, to attend to serious illnesses affecting an employee's immediate family members, to have time to participate in child rearing, and to attend to a qualifying exigency related to military service of certain family members, as described under the Military Leave section of this policy.

Under this policy, the Library will grant up to a total of 12 weeks of leave during a 12-month period to eligible employees. For purposes of calculating employee entitlement for subsequent FMLA leaves, the "12-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee would be entitled to twelve (12) weeks of leave during the year beginning on the first date FMLA is taken (e.g., June 5, 2013); the next 12-month period would begin the first time leave is taken after completion of that 12-month period ending (e.g., June 5, 2014).

If the leave is to take care of a covered servicemember (as discussed in the Military Leave section), then the Library will grant up to a total of 26 weeks of leave during the 12-month period measured forward from the date the employee first uses FMLA leave to care for the covered servicemember. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

The Library will not discriminate or retaliate against employees as a result of, or interfere with, the approved use of FMLA leave or a proper request for such leave. Request for FMLA leave will be considered without regard to race, color, citizenship status, national origin, ancestry, gender, sexual orientation, gender identity, age, religion, physical or mental disability, veteran status, or any other classification protected by local, state, or federal law. Employees should report any conduct they believe violates this policy to Human Resources or any member of management.

A. ELIGIBILITY

To qualify to take family or medical leave, an employee must meet all of the following conditions:

- 1) The employee must have been employed by the Library for at least 12 months (52 weeks).
 - a. Any portion of a week that the employee is on the payroll counts as a full week for FMLA eligibility.
 - b. Separate periods of employment will be counted toward the 12 months of employment requirement. The cumulative employment time need not have been consecutive, provided that the break in service does not exceed seven years, except as provided by the Uniformed Services Employment and Reemployment Act of 1994 (USERRA).

- 2) For the 12 months immediately preceding the first day of the FMLA leave, the employee must have worked at least 1,250 hours.
 - a. These hours must be actual hours worked, not hours for which the employee is compensated. Hours using any type of paid time off benefits or holiday time do not count toward this requirement. The principles established under the Fair Labor Standards Act ("FLSA") determine the number of hours worked by an employee.
- 3) The employee must work at a site where at least 50 employees are employed or within 75 miles of the site.

B. TYPES OF LEAVE COVERED

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) for the birth of a son or daughter, and to care for the newborn child;
- 2) for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- 3) to care for an immediate family member (spouse, child, or parent — but not a parent "in-law") with a serious health condition;
- 4) when the employee is unable to work because of his or her own serious health condition, including injuries covered as part of a Worker's Compensation leave, if such injury meets the definition of "serious health condition" described below;
- 5) to care for an immediate family member (spouse, child, parent, or nearest blood relative) in the military, who has suffered a serious injury or illness. See Military Leave, below, Section I;
- 6) a qualifying exigency which occurs while the employee's spouse, child, or parent is on covered military active duty or has been notified of an impending call or order to covered active duty in the Armed Forces. See Military Leave, below, Section I.

Time and Other Limits on Use of Leave

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement.

A husband and wife that are both employed by the Library are limited in the combined amount of FMLA leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. They may only take up to a **combined total of 12 work weeks** of FMLA leave for these events. If the leave is to care for a covered servicemember (as defined below) with a serious injury or illness, then the husband and wife may take a combined total of 26 workweeks of FMLA leave.

Definition of Serious Health Condition

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- 1) An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or
- 2) Continuing treatment by a health care provider involving any one or more of the following:
 - a. a period of incapacity of more than three (3) full, consecutive calendar days that also involves:

1. in-person treatment by a health care provider two or more times within thirty (30) days of the first day of incapacity; or
 2. in-person treatment by a health care provider, on at least one occasion within the first seven (7) days of incapacity, which results in a regimen of continuing treatment; or
- b. pregnancy and prenatal care; or
 - c. a chronic condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time, and may cause episodic rather than a continuing period of incapacity; or
 - d. permanent or long-term conditions; or
 - e. conditions requiring multiple treatments by a health care provider, including recovery time, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacity of more than 3 consecutive calendar days in the absence of medical intervention or treatment.

"Incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment for that condition, or recovery from that condition.

Employees with questions about what illnesses are covered under this FMLA policy or under the Library's Sick Leave policy are encouraged to consult with the Human Resource Manager.

C. REQUESTING FMLA LEAVE COVERAGE

All requests for FMLA leave must be submitted in writing, using the Library's FMLA request form, to the Human Resources representative to make a determination, unless doing so would be impossible due to an emergency. The form is available from the Human Resources office.

An FMLA leave may be initiated by the employee or the manager of the employee's department. An employee may request a leave, or he/she may provide a supervisor with sufficient information to make the supervisor aware of an absence that may be eligible for FMLA protection. In consultation with the Human Resources representative, the supervisor may seek additional information from the employee to determine whether FMLA applies. If a supervisor is aware that the reason for an absence from work qualifies under FMLA, the absence must be designated as FMLA leave, even if the employee does not request it.

When the need for an FMLA leave is foreseeable, the employee is required to give the Library at least thirty (30) days written notice or, if this is not possible, as much notice as is practical. Usually, it will be practical to notify the Library on the same day or the next business day after the employee becomes aware of a need for leave. If an employee fails to give 30 days' notice for leave which was foreseeable, the Library reserves the right to deny the leave request until 30 days after the employee gives the required notice.

If the need for FMLA leave (including leave for a qualifying exigency, as defined below) is not foreseeable, the employee must comply with the Library's absence-reporting procedures, unless unusual circumstances exist that prevent the employee from using those procedures. An employee who fails to

comply with the Library's absence-reporting procedures may be subject to appropriate disciplinary action, up to and including termination.

If an employee requests leave for a planned medical procedure or treatment, the employee must make a reasonable effort to schedule the procedure or treatment to avoid disrupting the Library's operations.

If an employee seeks leave for a FMLA-qualifying reason for which the Library has previously provided FMLA leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave when reporting the absence.

Leave determined to be covered under FMLA shall be supported by the employee's health care provider providing a signed FMLA certification form. Employees should contact the Human Resources office to secure such forms and receive assistance with procedures. A determination for granting or denying an FMLA leave may be delayed until medical statements/certifications are provided by the employee.

Within five business days after the employee has submitted the appropriate certification form, the Human Resources office will complete and provide the employee with a written response to the employee's request for FMLA leave.

D. CERTIFICATION/MEDICAL STATEMENT FOR AN EMPLOYEE'S OR FAMILY MEMBERS SERIOUS HEALTH CONDITION

Employees granted family or medical leave for reasons other than parental leave after the birth, adoption or foster placement of a child are required to obtain a medical certification from a health care provider describing the circumstances requiring the employee's absence. The Library requires medical certification to support a claim for leave for an employee's serious illness or injury, or the serious illness or injury of a child, spouse, or employee's parent. The medical certification must be COMPLETE. In the event that a physician does not complete all applicable portions of the certification, the certification will not be accepted by the Library until it is complete.

When the Library requests certification (or recertification, as described below), the employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide a medical statement or requested certification (or recertification) may result in a denial of continuation of leave.

The director's designee, generally a Human Resources representative or, in his/her absence, another Administration representative, may directly contact the employee's health care provider for verification or clarification purposes. The Human Resources representative will communicate related information with the employee's manager/supervisor for planning and accommodation purposes. Such information will include expected time lines for recovery/return to work status and work-related restrictions that may be indicated. Before this direct contact with the health care provider, the employee (or the employee's family member if related to servicemember caregiver leave) will be given an opportunity to resolve any deficiencies in the medical certification

If the Library has reason to doubt the certification, it reserves the right to require a second medical opinion from an independent medical provider of the Library's choosing. The Library will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought. The Library will pay for the third opinion. The opinion of the third medical provider is final and binding on both the Library and the employee. The employee will be provisionally entitled to leave and

benefits under the FMLA pending the second and/or third opinion. The Library may deny FMLA leave to an employee (or the employee's family member if related to servicemember caregiver leave) who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

Leave for Family Member's Serious Health Condition

For leave to care for a seriously ill or injured child, spouse, or employee's parent, the certification must include an estimate of the amount of the employee will be on leave for caregiving purposes. As provided in the preceding section of this policy, the Library reserves the right to require a second medical opinion from an independent medical provider. The Library will pay for the second opinion and will designate a provider. If the two opinions conflict, a third medical opinion may be sought. The Library will pay for the third opinion. The opinion of the third medical provider is final and binding on both the Library and the employee.

Recertification

Except as provided below, the Library may request recertification for the serious health condition of the employee or the employee's family member every three (3) months in connection with an FMLA absence. The Library may request more frequent recertification under three scenarios: if circumstances regarding the serious health condition of an employee or an employee's family member have changed significantly; or if the Library receives information casting doubt on the reason given for the absence; or if the employee seeks an extension of his or her leave. In these three scenarios, the Library may request recertification of the serious health condition no more frequently than every 30 days. As part of a recertification request, the Library may provide the employee's health care provider with the employee's attendance records and ask whether the employee's need for leave is consistent with the employee's serious health condition.

Periodic Updates

The Library may require an employee to report periodically during the leave period on the employee's status and intent to return to work. If the leave is for the serious health condition of the employee's family member, the Library may require a periodic report on the family member's medical status and the employee's intention to return to work. The Library will make such requests to any employee who is on paid or unpaid leave, regardless of FMLA status.

E. USE OF PAID LEAVE AND UNPAID LEAVE

Employees that have been approved for the FMLA job protection benefit shall use any accrued sick and/or personal paid leave time, or any other type of income protection leave such as Short Term Disability or Worker's Compensation, while on approved leave. All paid leave shall run concurrently with FMLA leave, and the time on paid leave will be counted against the employee's FMLA entitlement. Additionally, if the employee's absence is for the employee's own serious health condition and it qualifies for Short Term Disability Leave or as a Worker's Compensation absence, those leaves will run concurrently with the FMLA leave. While on paid leave, the Library will require the employee to comply with the requirements for taking such leaves under the Library's policies. Please refer to the Library's paid leave policies for those requirements.

Beginning on the first day of the leave, staff must use their time-off accruals as part of the 12-week FMLA leave. Time off accruals that must be used during FMLA leave include holidays, sick, personal and vacation leave. This also applies to FMLA leave that is taken either intermittently or through a reduced work schedule.

F. EMPLOYEE AND BENEFITS STATUS DURING LEAVE

During FMLA, the employee will retain his or her employment status and the benefits he or she has accrued. Benefits such as paid leave or holidays will continue to accrue during FMLA leave, and existing medical, dental, and vision coverage will remain in effect during FMLA leave, as long as the employee makes any required contributions, if applicable, during this period according to the procedures set forth below. If those procedures are followed, the employee will receive health plan coverage at the same level and under the same conditions as if the employee had continued to work. The employee must have been enrolled in the benefit plan prior to taking FMLA leave for the health plan coverage to continue.

If health coverage or other benefits have lapsed during an employee's FMLA leave, the employee will be reinstated to benefit coverage on the same terms as existed prior to the taking of FMLA leave, without any qualifying period, physical examination, or pre-existing condition limitation. If the Library makes any changes to employee contributions for health coverage or other benefits, those changes will likewise apply to employees on FMLA leave.

While on paid leave running concurrently with FMLA leave, payroll deductions will continue to collect the employee's share of the premium costs for benefits in which the employee is actively enrolled while on leave. While on unpaid FMLA leave, the employee must continue to make payment for the employee's share of the premium costs, either in person or by mail. The payment must be received in the Library's Finance office by the 22nd day of each month. If the payment is more than 30 days late, the employee's coverage may be dropped for the duration of the leave. The Library will provide fifteen (15) days' notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition, a serious injury or illness of a covered servicemember, or another circumstance beyond the employee's control, the Library will require the employee to reimburse the Library for the share the Library paid for the employee's benefit(s) premium during the leave period, as permitted by law. If the employee asserts that the serious health condition or serious illness/injury of a covered servicemember caused the failure to return, the Library can require medical certification, which the employee must provide within 30 days of the Library's request. An employee will not be considered to have "returned to work" under this policy unless the employee works for at least 30 calendar days following the employee's latest return from FMLA leave.

G. INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE

Employees may take FMLA leave in twelve (12) consecutive weeks; they may use the leave intermittently (take a day periodically when needed over the year); or, under certain circumstances, they may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the total amount leave may not exceed a total of twelve (12) work weeks (or twenty-six (26) work weeks to care for an injured or ill servicemember) over the 12-month period. The 12-month period is measured forward 12 months from the date when the employee's previous FMLA leave began.

For the birth, adoption, or foster care of a child, the Library and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. The Library will consider each request for intermittent or reduced hour schedule leave for these purposes on a case-by-case basis, taking into consideration the employee's position and the Library's current business needs. In such cases, if the mother has a serious health condition in connection with the child's birth or the child has a serious health condition, the employee can certify the intermittent or reduced work schedule

leave as medically necessary by obtaining certification from a health care provider. In these cases, the leave must conclude within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition, because of the serious health condition of a family member, or to care for a covered servicemember, the employee should try to reach agreement with the Library before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary by submitting medical certification issued by a health care provider. As provided above, the Library reserves the right to obtain a second or third opinion of the medical necessity for intermittent or reduced hour schedule leave for a serious health condition (either the employee's own or that of a family member).

In instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care, the Library may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

H. EMPLOYEE STATUS AFTER LEAVE

Employees returning from FMLA leave must be able to assume all of the essential functions of their jobs, subject to compliance with all state and federal laws. An employee who takes FMLA leave for his/her own serious health condition may be asked to provide, at the employee's cost, a fitness for duty (FFD) clearance from the health care provider before returning to work. If so, this requirement is included in the Library's response to the FMLA request along with the employee's job description identifying the essential functions of the employee's position. The Library will not request fitness-for-duty certifications for intermittent or reduced schedule FMLA leaves unless reasonable safety concerns exist regarding the employee's ability to perform his/her duties. In such a case, the Library may request a fitness-for-duty certification once every thirty (30) days in connection with intermittent or reduced schedule leave.

Generally, an employee who takes FMLA leave will be able to return to the same position the employee held when he/she went on leave, or to a position with equivalent status, pay, benefits, working conditions, and other employment terms. Employees on an FMLA leave are still subject to a reduction in force or reassignment that would have occurred otherwise had the employee been working. If an employee fails to report for work following the conclusion of FMLA leave, the Library may consider the employee to have voluntarily resigned his/her position.

Very infrequently, the reinstatement of a "key employee" that would result in substantial and grievous economic injury to the Library may not be possible. The Library reserves the right, in accordance with the FMLA, to deny restoration of employment to a "key employee" after requesting FMLA leave. If any possibility exists that the Library may deny reinstatement after leave, the Library will inform the key employee when he/she requests FMLA leave. All efforts will be made to notify the key employee in a timely manner once a determination, based on business need, is made regarding reinstatement.

I. MILITARY LEAVE

Exigency Leave

An employee whose spouse, legal child or parent is a "covered military member" (as defined below) and has either been notified of an impending call or order to covered active military duty, or who is already on covered active duty, may take up to twelve (12) weeks of FMLA leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

1) Short-Notice Deployment – When a covered military member receives less than seven (7) days' notice of deployment to active duty, an eligible employee may take FMLA leave within the seven (7) days after notice is given to address any issue arising from such notice;

2) Military Events and Activities – An eligible employee may take FMLA leave to attend any official ceremony, program, or event sponsored by the covered military member's military entity, or to attend family support or assistance programs and informational briefings sponsored or promoted by the military entity or the American Red Cross;

3) Child Care and School Activities – An eligible employee may take FMLA leave to arrange for alternative childcare for a covered military member's existing childcare arrangement, or to provide childcare on an urgent, immediate basis arising from the covered military member's active duty or call to active duty status, or to enroll or transfer the covered military member's child to a new school, or to attend required meetings at the covered military member's child's school or daycare facility due to the covered military member's call to duty or active duty;

4) Financial and Legal Arrangements – An eligible employee may take FMLA leave to make or update financial or legal arrangements associated with the covered military member's absence or call to active duty status, or to act as the covered military member's representative during active duty or within 90 days after active duty, before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits;

5) Counseling - An eligible employee may take FMLA leave to attend counseling for the employee, the covered military member, or the covered military member's child, if the need for counseling arises from the covered military member's active duty or call to active duty status;

6) Rest and Recuperation – An eligible employee may take up to five (5) days of FMLA leave for each instance that he or she desires to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment;

7) Post-Deployment Activities – An eligible employee may take FMLA leave to attend any official ceremony or program sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, or to address issues that arise from a covered military member's death while on active duty status; and

8) Additional Activities - The Library may grant FMLA leave to address any other issue that arises out of active duty, provided that the Library and employee agree on the timing and duration of the leave.

"Covered military member" means an employee's spouse, son, daughter, or parent on active duty or call to active duty status (or who has been notified of an impending call to active duty). "Active duty or call to active duty status" means duty during the deployment of the member with the Armed Forces to a foreign country, if the individual is a member of the regular Armed Forces; or for members of the reserve components of the Armed Forces, it means duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under certain statutes that authorize ordering certain retired members of the Regular Armed Forces and Reserve to active duty, ordering certain reserve component members to active duty, and calling the National Guard into federal service.

If an employee takes this form of leave, any leave taken under the Indiana Military Family Leave Act or other applicable state military family leave law will run concurrently with the above leave.

The leave may commence as soon as the covered military member receives the call-up notice. (For this type of FMLA leave, the child does not have to be a minor.)

Certification of Qualifying Exigency for Military Family Leave

The library requires certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Servicemember Caregivers Leave

In addition, An employee whose spouse, legal child, parent or nearest blood relative ("next of kin"), is a covered servicemember (as defined below) may take up to twenty-six (26) weeks of leave in a single 12-
The term "covered servicemember" means:

- 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" (as defined below); or is otherwise on the temporary disability retired list, for a "serious injury or illness" (as defined below); or
- a "veteran" (as defined below) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness" means:

- an injury or illness that was incurred while in the line of active duty for the Armed Forces, National Guard, or Reserves
- an injury or illness which existed before the beginning of active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- in the case of a veteran who was on active duty at any time during a period described above, incurs a qualifying injury or illness (as defined by the Secretary of Labor) that existed before the beginning of active duty and was aggravated by his/her military service and that manifested itself before or after the member became a veteran.

The term "veteran" means a person who service in the active military, naval, or air service and who was released or discharged under conditions that were not dishonorable.

The term "outpatient status" means a covered servicemember is assigned to a military medical treatment facility as an outpatient, or to a unit established for the purpose of providing command and control of members of the Armed Forces received medical care as outpatients.

For purposes of this form of leave only, the 12-month period begins on the first day an eligible employee takes FMLA leave to care for a covered servicemember and ends exactly 12 months after that date. If an eligible employee does not exhaust 26 weeks of leave during the 12-month period, the remaining portion of the leave entitlement will be lost. If an eligible employee needs additional leave to care for a different covered servicemember, or for the same servicemember with a subsequent serious injury or illness, the employee will have another single 12-month period during which he or she can use 26 weeks of leave. However, all eligible employees are limited to a total of 26 weeks of leave in each single 12-month period for any combination of servicemember caregiver leaves or other FMLA leaves under this policy.

If an employee takes this form of leave, any leave taken under the Indiana Military Family Leave Act or other applicable state military family leave law will run concurrently with the above leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The Library requires certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

J. EMPLOYMENT

While an employee is on FMLA leave, he/she shall not be engaged in outside employment; any exceptions shall be approved in advance of taking FMLA by the Library Director.

Short-term and Long-term Disability Insurance Coverage: Monroe County PL and Comparison Institutions

<i>Organization</i>	<i>Sick leave accumulation cap</i>	<i>STD</i>	<i>Must exhaust sick leave</i>	<i>Elimination period before eligibility</i>	<i>% of weekly income</i>	<i>Who pays</i>	<i>LTD</i>	<i>Elimination period before eligibility</i>	<i>% of weekly income</i>	<i>Who pays</i>	<i>How collect EE share of monthly premiums</i>	<i>Notes</i>
Monroe County PL	975 hours/130 days		Yes			ER	x	26 weeks	60%	ER		
Indianapolis PL	480 hours/60 days	x	Yes	30 days; max of 22 weeks	66.70%	EE	x	26 weeks; must have exhausted leave	66.70%	?	Payroll contacts EE, sends letter defining contribution, dates, and consequences for failing to contribute.	
Allen County PL	520 hours/65 days	x	Yes	1 week	70%	ER	x	13 weeks	60%	EE \$1.00; ER rest	STD paid on payroll; insurance premiums deducted as usual.	
Evansville-Vanderburgh County PL	90 days, but plan to reduce to 60 to align with FMLA	1 EE from earlier period only	Yes				x	26 weeks	60%	ER		Notify EE to make payment directly to library.

<i>Organization</i>	<i>Sick leave accumulation cap</i>	<i>STD</i>	<i>Must exhaust sick leave</i>	<i>Elimination period before eligibility</i>	<i>% of weekly income</i>	<i>Who pays</i>	<i>LTD</i>	<i>Elimination period before eligibility</i>	<i>% of weekly income</i>	<i>Who pays</i>	<i>How collect EE share of monthly premiums</i>	<i>Notes</i>
City of Bloomington	None, but personal leave must be used every year or transferred to sick leave.	x	EES may use sick and vacation leave but not required	15 days	60%	ER	x	13 weeks	60%	EE	Claims directly to CIGNA; CIGNA tracks; EEs make payments to City for premiums.	Used quite a bit: 4/700 EEs currently on STD;
Monroe County		x (for those working 20+ hours/wk.)		14 days	60%	EE: cost based on age and salary	x (for those working 20+ hours/wk.)	13 weeks				Partial disability available after 30 days of total disability and allows benefit up to 100%.
Indiana University	None, but not paid out except after Retire under PERF	No					LTD	choice: 90/180 days; impacts premium rate	60%	EE	Presume processed through central HR.	LTD is age banded.