



Town of Oxford Family and Medical Leave Policy

A. INTRODUCTION:

The Federal Family and Medical Leave Act of 1993 ("FMLA") entitles eligible employees to take unpaid, job-protected, leave for specified family and medical reasons, as explained below.

B. EMPLOYEE ELIGIBILITY:

To be eligible for FMLA benefits with the Town of Oxford (the "Town"), an employee must:

1. Have worked for the Town for a total of at least twelve months in the prior seven years; and
2. Have worked at least 1,250 hours over the previous twelve months.

C. QUALIFYING REASONS FOR LEAVE:

Section 1. The Town will grant an eligible employee up to a total of twelve (12) work weeks of unpaid leave during a rolling 12-month period¹ for one or more of the following reasons:

1. For the birth of a son or daughter and to care for the new born son or daughter;
2. For the placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member (spouse, son or daughter, or parent) with a serious health condition;
4. When the employee is unable to work because of his/her own serious health condition that prevents him/her from performing the functions of his/her job; or
5. Because of any qualifying exigency due to that employees spouse, son, daughter, or parent is covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; and
6. The right to take leave under FMLA applies equally to male and female employees.

A husband and wife who are eligible for FMLA leave and are employed by the Town may be limited to a combined total of 12 weeks of leave during any 12 month period if the leave is taken for the birth of the employee's son or daughter or to care for the child after birth, the placement of a son or daughter with the employee for adoption or foster

¹ For the purposes of calculating the 12-month period referred to above, the Town will measure the 12-month period backward from the date of an employee's request for FMLA leave. Each time an employee takes FMLA leave, the Town will determine the total amount of FMLA leave used by the employee during the preceding 12 months, and the remaining time available to the employee will be the balance of 12 weeks which has not been used.

care or to care for the child after placement, or to care for the employees parent with a serious health condition. The husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes.

Leave for birth or placement for adoption or foster care must conclude within twelve months of the birth or placement.

Section 2. The Town will also grant an eligible employee up to a total of twenty-six work weeks of unpaid FMLA leave for the following reasons:

1. To care for a spouse, son, daughter, parent, or next of kin (i.e., nearest blood relative), who is a current member of the Armed Forces (including a member of the National Guard or Reserves) or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves and members on the permanent disability retired list.

Section 3. FMLA leave may be taken intermittently or on a reduced leave schedule. The intermittent leave is FMLA leave taken in separate blocks of time due to single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

1. When intermittent leave is needed to care for an immediate family member, the employee's own illness, or a covered service member, and is for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Town's operation.
2. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Town may temporarily transfer an employee taking intermittent or reduced schedule leave to an alternative position for which the employee is qualified job, with equivalent pay and benefits, that accommodates recurring periods of leave better than the employee's regular job when such leave is foreseeable based on planned medical treatment.
3. Intermittent or reduced schedule leave may also be available for a qualifying exigency.

4. The Town may require employees to use accrued paid leave², such as sick or vacation leave, or compensatory time, to cover some or all of the FMLA leave. When paid leave is used, the employee must follow the Town's paid leave policies and procedures with respect to use of such leave. An employee may elect to use accrued sick, vacation, or personal time during their leave.
5. Any leave taken by an eligible employee for any of the reasons covered by this policy will be considered FMLA leave and will be designated as such even if the employee does not specifically identify the time off as FMLA leave.

D. MAINTENANCE OF HEALTH BENEFITS:

The Town will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee will make arrangements with the Town to pay his or her share of health insurance premiums while on leave. The Town may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

E. JOB RESTORATION:

Upon return from FMLA leave, an employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave will not result in the loss of an employment benefit that the employee earned or was entitled to before using FMLA leave.

F. NOTICE, CERTIFICATION AND STATUS REPORTS:

Employees seeking to use FMLA leave are required, as appropriate, to provide to the Town:

1. **NOTICE:** Thirty (30) days advanced notice of the need to take FMLA leave when the need is foreseeable, otherwise as soon as is practicable.
2. **MEDICAL CERTIFICATION:**
 - (a) Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member, or a covered service member with a serious injury or illness;
 - (b) Second or third medical opinions and periodic re-certifications (at the Town's expense) if requested by the Town; and
 - (c) Medical certification and/or fitness for duty certification supporting the employee's ability to return to work as requested by the Town, which the Town may request include a statement from a

² The Town's policy on use of paid leave is subject to, and will be administered in accordance with, the Massachusetts Maternity Leave statute.

health care provider that the employee can perform all of the essential functions of the job.

- (d) Re-certifications may be requested when an employee requests an extension of leave, circumstances have changed since the prior certification or there is doubt about the reason for the absence or continuing validity of the certification. Absent one of these factors, a recertification may be requested every 30 days in connection with an absence or, if the medical certification indicates that the minimum duration of the condition is more than 30 days, after that minimum duration expires.

3. **QUALIFYING EXIGENCY:** Certification supporting the need for leave due to a qualifying exigency.
4. **STATUS REPORTS:** Periodic reports during FMLA leave regarding the employee's status and intent to return to work as requested by the Town.

G. OTHER PROVISIONS:


This Policy shall at all times be interpreted in a manner consistent with the Department of Labor's Regulations pertaining to the Family and Medical Leave Act of 1993. The FMLA does not affect any other federal or state law that prohibits discrimination, nor supersede any state or local law that provides greater family or medical leave protection. Nor does it affect the Town's obligation to provide greater leave rights under a Collective Bargaining Agreement or employment benefit plan, where applicable.


H. DEPARTMENTAL PROCEDURES:

The Town's department heads, with the approval of the Town Manager, may establish their own procedures to implement this policy, consistent with the policy.

I. ADOPTION:

This policy was adopted by the Personnel Board and the Town Manager on December 8, 2015.

By: 
Brian Palaia
Town Manager

By: 
S. Veronica Bachand
PERSONNEL BOARD CHAIR