

Number 14.2 - FAMILY AND PARENTAL LEAVE

Effective Date: March 1, 1996

Applicable To: All classified employees with the Executive Branch of the State of Vermont.

Issued By: Department of Personnel

Approved By: William H. Sorrell, Secretary of Administration

PURPOSE AND POLICY STATEMENT

It is the policy of the State of Vermont to permit employees reasonable time off to care for dependent children in instances such as illness, birth, or adoption, and in the case of serious illness of a family member of an employee's immediate family.

This policy complies with the Family and Medical Leave Act (FMLA), 29 CFR 825, and the State Parental and Family Leave Law, 21 VSA 470-474.

The purpose of this policy is to establish the policies and procedures by which classified employees may receive time off from work for family leave purposes.

For employees not covered by the Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. (VSEA) (See Eligibility Under Federal Law).

DEFINITIONS

IMMEDIATE FAMILY - parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, any person residing with the employee, and any family member for whom an employee is primarily responsible either to arrange for health care or to provide care.

FAMILY LEAVE - a leave of absence from employment by an employee in the case of serious illness of the employee's immediate family.

PARENTAL LEAVE - a leave of absence from employment for the birth of an employee's child; or for the initial placement of a child 16 years of age or younger with the employee for the purpose of adoption.

SERIOUS HEALTH CONDITION - 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.

GENERAL PROCEDURES

The Family Leave Article of the current contract must be adhered to when administering this policy.

Employees are responsible for requesting leave from their supervisors with as much advance notice as possible.

For purposes of administering this policy, eligible employees are entitled to use twelve (12) weeks of family leave in during each fiscal year.

Each department is required to post copies of the Vermont Parental and Family Leave Law posters in conspicuous places. These posters are supplied by the Department of Labor and Industry.

ELIGIBILITY UNDER FEDERAL LAW

To be eligible for family and parental leave employees must have been employed by the State for at least twelve (12) months; and must have provided at least 1,250 hours of service during the twelve (12) months immediately preceding the leave request (not counting paid vacation and sick hours).

ADOPTION

Employees (both male and female) may request and shall be granted an administrative leave of absence, without pay, for up to six (6) months when they adopt a child. Employees may use accumulated leave at the beginning of the leave period, in the following order: compensatory time, personal leave, or annual leave. The amount of unpaid leave shall be granted, with the combination of paid and unpaid leave, not to exceed a total of six (6) months.

PREGNANCY AND CHILDBIRTH

Employees may request an administrative leave of absence for pregnancy and childbirth as follows:

1. Sick leave for the period of disability resulting from pregnancy, miscarriage, abortion, or illness resulting therefrom will be granted.
2. Sick leave for up to six (6) weeks following childbirth will be granted to the mother, and may be extended upon request to the appointing authority. The appointing authority may request medical certification of the continuing disability.
3. When the mother is no longer physically disabled, she will be permitted to use accumulated leave accruals before taking a leave of absence without pay. The order of leave usage will be compensatory time, personal leave, and annual leave.

4. A leave of absence without pay for male or female employees shall be granted for a period of up to four (4) months, and may be extended upon request to the appointing authority. The combination of this unpaid and any paid leave accruals shall not exceed six (6) months without the approval of the appointing authority.

SERIOUS ILLNESS

In case of serious illness of a member of an employee's immediate family, an administrative leave of absence without pay shall be granted, on request, for a period not to exceed twelve (12) weeks during any twelve (12) month period. For the first ten (10) days, an employee may use sick leave to provide or arrange for care of a member of the employee's immediate family. Employees may take this leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule.

Employees who elect to use paid leave shall use accumulated leave in the following order: compensatory time, personal leave, annual leave in excess of ten (10) days, and sick leave. The combination of paid and unpaid leave shall not exceed twelve (12) weeks, and usage of paid sick leave shall not exceed six (6) weeks.

REQUESTING LEAVE

Employees are required to give reasonable advance notice (at least two weeks) in the event of a foreseeable leave. A *Request for Family Leave* form (See Attachment A) must be completed by employees and returned to their supervisor within fifteen (15) days after the leave was requested, or as soon as is reasonably possible. In unexpected or unforeseen situations, employees should provide as much notice as is practicable (usually verbal notice within one or two business days of when the need for leave becomes known), followed by a completed *Request for Family Leave* form.

Additionally, employees may be asked to provide medical documentation of their own serious illness by completing a *Medical Certification - Employee* form (See Attachment B); or to provide medical documentation of their family member's illness by completing a *Medical Certification - Family Member* form (See Attachment C).

RESPONSIBILITY OF EMPLOYER

It is the department's obligation to designate leave, paid or unpaid, as Family Leave. This designation may be made only on the basis of information provided by the employee. The supervisor's notification to an employee of Family Leave may be oral. However, the department must confirm the Family Leave designation in writing no later than the next regular payday.

The department may only designate Family Leave retroactively if:

- the employee has been out of work and the department does not learn that the reason was for a family leave situation until after the employee returns (in which

case the department must designate the leave upon the employee's return to work); or

- the department has provisionally designated leave as Family Leave and is awaiting receipt of medical certification or other reasonable documentation.

If the employee gives notice of the reason for the leave later than two (2) weeks after returning to work, the employee is not entitled to the protection of the FMLA.

EFFECT ON BENEFITS

Employees who are granted leave under this policy and are enrolled in the group medical benefit plan, and/or the life insurance plan, may continue their coverage under the same conditions as if they had been continuously employed during the leave. If employees are enrolled in the medical benefit plan, the State will continue to pay 80% of the cost of the premiums. However, in the case of an unpaid family leave, employees are required to pay their 20% share of the premium directly to the Payroll Division each pay period.

Except in the case of serious illness, employees who do not return to work will be required to repay to the State the cost of medical premiums paid during the leave.

Employee Request for Parental or Family Leave

Employer Response to Request for Parental or Medical Leave

Certification Health Care Provider - Employee

Certification Health Care Provider - Family Members

Family and Medical Leave Act Information Sheet