



21 August 2017

TO: RAILS Board of Directors

FROM: Dee Brennan

SUBJECT: Paid Family Leave Policy

We are proposing major changes in our family leave policy. The policy committee has discussed these changes and recommended the new policy be brought to the board for discussion and action.

Initially, we were looking at expanding our leave policy to include new fathers in being eligible for family leave. But, as we started looking at the policy, we realized that many related policies also could use expansion and updating, and that we really needed to adopt a more inclusive and modern approach to leave in general. As a first, important step we have created a new Paid Family Leave policy to replace the Family and Medical Leave of Absence policy. This new, proposed policy overlaps with some other policies that may require further adjustment. We are moving this policy forward now because there is some urgency; we have three employees who will be going on maternity leave before the end of the year so we would like them and their families to have the proposed benefits available to them.

The major changes are:

- Six weeks of paid family leave, formerly 12 weeks of unpaid leave
- Expansion of reasons/criteria for leave
- Change in FMLA from running concurrently with paid leave to consecutive with paid leave

We believe these changes are more sensitive to the different family situations and health issues that may arise in today's world. Changing FMLA to run consecutively with paid leave as opposed to concurrently gives employees options and gives them back the decision-making power to manage the leave they earn and are eligible for.

These changes are consistent with our strategic plan goal of organizational excellence and the strategic initiative to *attract, retain, develop, and reward a superb RAILS staff*. We also believe that as a library system we have a responsibility to use best practices in how we run our organization, as well as the services that we provide to members.

We know this is a lot to digest. If you are not comfortable approving this policy at the August meeting, we can certainly make any suggested changes or provide additional information and we can discuss it again at the September meeting.

We will be bringing other associated policies to the board in the near future – vacation, sick, bereavement and personal leave policies. These policies are NOT in conflict with the Paid Family Leave policy in their current form, they just need to be updated.

Thank you very much for taking the time to work on this with us.

PAID FAMILY LEAVE

RAILS will provide up to six weeks of paid family leave to eligible employees following the birth of an employee's child, surrogacy, placement of a child in connection to adoption or foster care, for their own serious illness or to care for a seriously ill family or other household member. This policy will run consecutively with any other benefit or leave time for which the employee requests and is eligible.

Eligibility

Must be a full-time or a part-time employee working 20 or more hours per week with one year of service in order to be eligible for paid family leave. Temporary employees and interns are not eligible for this benefit.

Qualifying Criteria/Relationship

- Have given birth to a child.
- Utilized a surrogate to birth your child.
- Be a spouse or committed partner of a person who has given birth to a child.
- Have adopted a child or been placed with a foster child (in either case, the child must be age 17 or younger).
- Be the child of a parent with a serious illness.
- Be the primary care giver of a seriously ill family member or household member. Family member is defined as the employee's child, (including stepchild or foster child), spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, stepparent or domestic partner. Members of your household include those who live with you all year.
- A serious illness is one that would meet the eligibility requirements of the FMLA, regardless of whether the RAILS employee would be otherwise qualified for FMLA or intends to request FMLA leave related to their or their family member's illness. RAILS may request verification from the employee's or their family member's treating physician as to the need for the leave.

Amount, Time Frame and Duration of Paid Family leave

- Eligible employees will receive a maximum of six weeks of paid family leave per event or in total for more than one event in a 12 month period. The fact that a multiple birth, adoption or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the six-week total amount of paid family leave granted for that event. In the event that more than one birth, adoption, foster care placement, or parental or family illness event occurs within a 12-month time frame, the employee may submit a separate request for additional paid leave to the Executive Director for consideration.

- Paid family leave is compensated at 100 percent of the employee's regular, straight-time weekly pay for all full-time employees and part-time employees working 20 or more hours per week with one year of service. Employees will be paid on a biweekly basis on regularly scheduled pay dates.
- Approved paid family leave may be taken at any time during the six-month period immediately following the birth, adoption, placement of a child with the employee, or at any time during the employee's or family member's serious illness. The leave may be taken intermittently (in separate blocks of time due to a single covered health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if necessary.
- Paid family leave does not carry over from year to year and employees are not eligible for payment of unused paid family leave upon separation of employment.

Coordination with Other Policies

- Paid family leave taken under this policy will run consecutively with all other employee leave entitlements including Family and medical leave; vacation, personal, sick and bereavement. Should the employee require additional leave after exhaustion of paid family leave, the employee must meet the requirements for use of those benefits at the time that they are requested.
- RAILS will maintain all benefits for employees during the paid family leave period just as if they were taking any other paid time off such as vacation, personal, or sick time.

Requests for Paid Family leave

The employee will provide his or her supervisor and the Director, Human Resources with notice of the request for leave at least 30 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the necessary HR forms (Paid Family Leave Request) and provide all documentation as required by the HR department to substantiate the request.

VACATION TIME

Because RAILS recognizes the importance of vacation time in providing the opportunity for rest, recreation, and personal activities, RAILS grants annual, paid vacations. The amount of vacation to which employees are entitled depends on their length of service as of their anniversary date.

Eligibility

Vacation time is provided to all regular full-time employees and regular part-time employees who work at least 20 hours per week on a consistent basis.

For record keeping purposes, RAILS will issue employees' vacation days up front twice a year on January 1 and July 1. For example, if an employee is eligible for 15 days of vacation, they would receive 7.5 days in advance on January 1, and then another 7.5 days in advance on July 1. Vacation accrual begins upon hire or transfer into an eligible position, as noted above. An employee may use his or her vacation time at any point during the calendar year; however, vacation is actually *earned* monthly on the 15th of each month at a rate of one-twelfth (1/12) of the employee's total vacation for the year.†

Vacation time is prorated for new hires based on start date.

An employee must be actively working in order to earn vacation. Vacation time will not accrue during a leave of absence (personal, medical, family/medical or worker's compensation) that exceeds four weeks in length.

Accrual Rate

Length of service	Monthly Accrual	Vacation Distribution (January 1 and July 1)	Total Annual Vacation
0 – less than 10 years	1.25 days	7.5 days /56.25 hours	15 days
10 years or more	1.667 days	10.0 days/75.00 hours	20 days

Part-Time Proration

Part-time employees who work at least 20 hours per week on a consistent basis are eligible for pro-rated paid vacation, depending on the number of hours worked per week. For example, an employee who works three, 7.5 hour days per week is eligible for 3/5 of what a full-time employee is entitled to (15 days x 22.5/37.5 = 9 days).

Vacation Scheduling

It is each employee's responsibility to schedule and take all earned vacation. Employees must receive the permission of their supervisor prior to scheduling and taking vacation days.

Employees are encouraged to take their earned vacation in the calendar year of eligibility. However, employees may "carry over" to a new calendar year no more than 37.5 hours of vacation time earned as of December 30.

Upon termination of employment, employees will be paid for vacation benefits that have been earned and unused through the last month of active employment at the employee's rate of pay at termination. If the employee uses more time than is earned, at the time of termination, it shall be repaid.

† If an employee's start date is before the 15th of the month their accrual will begin the month they start. If the employee starts on or after the 15th of the month, the accrual will start the following month.

PERSONAL TIME

RAILS recognizes that occasionally it may be necessary for an employee to miss work because of personal reasons. For these reasons, RAILS has set up a policy to give the employee some financial aid when such circumstances arise.

Eligibility

Personal time is provided to all regular full-time employees and regular part-time employees who work at least 20 hours per week on a consistent basis.

For record keeping purposes, RAILS will issue employees' personal time up front on January 1 of every calendar year. Personal time accrual begins upon hire or transfer into an eligible position, as noted above. Although personal time is issued at the beginning of the year it is actually *earned* monthly by the 15th of each month at a rate of one-twelfth (1/12) of the employees total personal time for the year. Personal time is prorated for new hires based on start date.

Accrual Rate

Status	Monthly Accrual	January 1 Distribution of Total Annual Personal
Full Time	.42 days	37.50 hours /5.00 days
Part Time	.33 days	pro-rated based on hours worked [†] /4.00 days

Paid personal days must be taken by the end of the calendar year in which they are received or they will be lost.

The paid personal day benefit will be subject to the following additional rules:

1. To receive payment for personal time, an employee must notify the supervisor prior to the day of absence, if possible, or satisfy the notification set forth in the Attendance Policy.
2. Although paid personal days may be scheduled for use the day before or after a paid holiday or to extend vacations or weekends, this type of scheduling is dependent upon the advance approval of the supervisor. Significant consideration will be given to whether or not the hours can be covered by other staff members.
3. Upon resignation/termination of employment, employees are only allowed to use time earned through the 15th of the last month of active employment. Personal time will not be paid out upon termination and shall be repaid if the employee uses more than they have earned at time of termination.

† A part-time employee would receive an equivalent of four (4) days, prorated based on average hours worked per day if they work 20 or more hours per week. For example, if an employee works five days per week, four hours per day, they would receive four (4) personal days which would be the equivalent of sixteen (16) hours for the calendar year. (4 personal days x 4 average hours per day = 16 hours for the calendar year).

Average hours are based on the employee's offer letter or employee change letter.

SICK TIME

Paid Sick time is provided for the exclusive purpose of allowing employees to take time off for medical reasons. Acceptable medical reasons include the employee's own or a qualifying family member's incapacitating or contagious illness or injury and necessary medical treatment or medically advised rest. Visits to doctors and dentists also are acceptable reasons for taking sick time. Taking sick time under false pretenses is a violation of trust that is subject to disciplinary action, up to and including dismissal.

Eligibility

Sick time is provided to all regular full-time employees and regular part-time employees who work at least 20 hours per week on a consistent basis.

For record keeping purposes, RAILS will issue employees' sick time up front on January 1 of every calendar year. Sick time accrual begins upon hire or transfer into an eligible position, as noted above. Although sick time is issued at the beginning of the year it is actually earned monthly by the 15th of each month at a rate of one-twelfth (1/12) of the employees total sick time for the year. Sick time is prorated for new hires based on start date.

Qualifying family member/relationship

Parent, stepparent, spouse, domestic or civil union partner, brother or sister, child or stepchild, grandparent, grandchild, spouse's parent, spouse's grandparent or legal guardian. In addition, RAILS will give consideration to an individual residing within the employee's household who is related by blood or affinity and whose close association with the employee is the equivalent of a family relationship.

Sick leave accrual

Status	Monthly Accrual	Total Annual Sick Leave
Full Time	1.00 days	12.00 days
Part Time	0.50 days†	6.00 days†

Staff can accrue up to 90 days of sick leave (675 hours). Sick leave will not be paid out at the time of termination and shall be repaid if the employee uses more than they have earned at time of termination.

Sick bank

Hours that an employee accrues in excess of 90 days (675 hours) are deemed inactive and will be moved to a sick bank that is used for retirement service credit reporting purposes only. Once the hours are moved into the sick bank, an employee can no longer access those hours for use under the guidelines of this policy. Sick bank hours will only be reported to the employee pension fund for service credit. Sick bank accruals will not be paid out at the time of termination.

Notice of absence

Employees who know in advance that they will be absent for health reasons must give their supervisor advance notice, including the probable start date and duration of the absence. If a sudden illness makes it impossible for an employee to request sick time before the workday begins, the employee should notify the supervisor within one hour of the scheduled start time. (Please see the Attendance Policy for more information).

Proof of need for absence

An employee using sick time for more than three days in a row will normally be required to produce a note from a health care practitioner certifying that the employee was unable to work for health reasons and is fit to return to duty or the employee's assistance was needed to care for a qualifying individual as noted in the above guidelines.

Confidentiality of medical information

All information about an employee's medical condition is confidential and will be kept in separate files by the Director, Human Resources. When an employee is absent for medical reasons, the employee's regular personnel file contains only the dates of the medical absence, not the medical reason(s) for the absence.

† A part-time employee would receive an equivalent of six (6) days prorated based on average hours worked per day if they worked 20 or more hours per week. For, example, if an employee works five days per week, five hours per day, they would receive six (6) sick days which would be the equivalent of thirty (30) hours for the calendar year. (6 sick days x 5 average hours per day = 30 hours for the calendar year).

Average hours are based on the employee's offer letter or employee change letter.

FAMILY AND MEDICAL LEAVE OF ABSENCE

Basic Leave Entitlement

Employees may be eligible to take up to 12 weeks of unpaid family/medical leave within a 12 month period and be restored to the same or an equivalent position upon return provided that the employee has worked for RAILS for at least 12 months AND worked at least 1250 hours in the last 12 months. The “12 month period” is measured rolling backward.

Reasons for Leave

If an employee is eligible, the employee may take family/medical leave for any of the following reasons: (1) the birth of a child and in order to care for such child; (2) the placement of a child with the employee for adoption or foster care; (3) to care for a spouse, son, daughter or parent (“covered family member”) with a serious health condition; or (4) because of the employee’s own serious health condition which renders the employee unable to perform the functions of the employee’s position. Leave because of reasons one and two above must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses employed by RAILS who request leave because of reasons one or two or to care for an ill parent may only take a combined aggregate total of 12 weeks leave for such purposes during any 12 month period.

Military Family Leave Entitlement

If an employee is eligible, the employee may use the 12-week FML entitlement to take military family leave. This leave may be used to address certain qualifying exigencies related to the covered active duty or call to covered active duty of a spouse, son, daughter or parent. Qualifying exigencies may include (1) attending certain military events; (2) arranging for alternative childcare; (3) addressing certain financial and legal arrangements; (4) attending certain counseling sessions; (5) addressing issues related to short-notice deployment; (6) spending time with a covered family member who is resting and recuperating; and (7) attending post-deployment briefings.

An employee may also be eligible for up to 26 weeks of leave to care for a covered service member during a single 12 month period. This single 12 month period begins with the first day the employee takes the leave. A covered service member includes: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy or is in outpatient status; or (2) is on the temporary disability retired list; or (3) a veteran 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 5 years preceding the date on which the veteran undergoes that medical treatment recuperation or therapy.

Employees may not be granted a FML leave to gain employment or work elsewhere, including self-employment. If an employee misrepresents facts in order to be granted an FMLA leave, the employee may be subject to immediate termination.

Notice of Leave

If the FML is foreseeable, the employee must give RAILS at least 30 days notice in accordance with the usual procedure for requesting a leave of absence. Failure to provide such notice may be grounds for delay of the leave. Where the need for leave is not foreseeable, the employee is expected to notify RAILS as soon practicable and, absent unusual circumstances, in accordance with RAILS' normal leave procedures. The employee is required to contact the supervisor on the first day of the absence within one hour of normal starting time. In the event the employee cannot personally contact the supervisor, the employee should leave a voicemail with a contact number where the employee can be reached. The employee should be prepared to explain the reason for the absence and give an expected date of return to work. Keep RAILS informed.

Medical Certification—Leave for Employee's Own or a Covered Family Member's Serious Health Condition

If the employee is requesting leave because of the employee's own or a family member's serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. The medical certification must be provided within 15 days after it is requested, or as soon as reasonably possible under the circumstances. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. RAILS, at its expense, may require an examination by a second health care provider designated by RAILS, if it reasonably doubts the medical certification you initially provide. If the second health care provider's opinion conflicts with the original medical certification, RAILS, at its expense, may require a third, mutually agreeable health care provider to conduct an examination and provide a final and binding opinion. RAILS may also require medical recertification periodically during the leave and employees may be required to present a fitness for duty verification upon their return to work following a leave for the employee's own illness specifying that the employee is fit to perform the essential functions of the job.

Certification for a Qualifying Exigency

If the employee is requesting leave because of a qualifying exigency arising out of a covered family member's active duty or call to active duty, the employee must supply a copy of the covered military family member's active duty orders or other documentation issued by the military indicating that the covered military member is on active duty or call to active duty (including the dates of the active duty service). RAILS may also request additional information pertaining to the leave.

Certification for Service Member Family Leave

If an employee is requesting leave because of the need to care for a covered service member with a serious injury or illness, RAILS may require the employee to supply certification completed by an authorized health care provider of the covered service member. In addition, RAILS may also request additional information pertaining to the leave.

Substitution of Paid Leave

FML is unpaid leave. If you request leave for any FML covered reason, you may be required to exhaust any remaining applicable paid time. The exhaustion of this paid leave does not extend the leave period.

In addition, if you are eligible for any additional paid leaves, such as short term/long term disability or worker's compensation, these leaves will also run concurrently with FML (where appropriate) and will not extend the leave period. When using paid leave in conjunction with FML, employees must comply with the requirements of the applicable paid leave policy.

Benefits During Leave

During an approved FML leave, RAILS will maintain the employee's health benefits as if the employee continued to remain actively employed.

Intermittent Leave

Leave because of a serious health condition, to care for a service member with a serious injury or illness or because of a qualifying exigency may be taken intermittently (in separate blocks of time due to a single covered health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if necessary. If leave is unpaid, RAILS will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced scheduled leave, RAILS may temporarily transfer the employee to an available alternate position which better accommodates the recurring leave and which has equivalent pay and benefits. A fitness for duty certification may be required to return from an intermittent absence if reasonable safety concerns exist concerning the employee's ability to perform job duties.

Job Restoration

If the employee wishes to return to work at the expiration of the leave, the employee is entitled to return to the same position or to an equivalent position with equal pay, benefits and other terms and conditions of employment. If the employee takes leave because of the employee's own serious health condition, the employee may be required to provide medical certification that the employee is fit to perform the essential functions of the job. Employees failing to provide the certification will not be permitted to resume work until it is provided.

GENERAL LEAVE OF ABSENCE

Occasionally, for personal or other reasons, you may need to apply for an unpaid personal leave of absence when you do not qualify for a leave under another RAILS' policy. Under these circumstances, you may qualify for a leave of absence. This leave of absence may be granted for a minimum of 14 calendar days up to a maximum of 30 calendar days.

You must apply in writing for this leave of absence and submit your request to the Director, Human Resources. Your request should set forth the reason for the leave, the date on which you wish the leave to begin and the date on which you will return to active employment with RAILS. The granting of a leave of absence, and the terms and conditions surrounding the leave of absence, are at the sole discretion of RAILS. While RAILS will make every effort to reinstate the employee to his/her previous position, there are no guarantees.

Failure to return from a leave of absence at the time agreed upon will normally result in immediate termination of employment.

Requests for an extension of a general leave of absence should be submitted in writing to the RAILS Director, Human Resources for re-evaluation.

FUNERAL/BEREAVEMENT LEAVE

RAILS recognizes the importance of family and the difficulties an employee faces following the loss of a loved one. For that reason, RAILS grants its full time and part-time employees paid bereavement leave in accordance with the following provisions.

If a member of an employee's "immediate family" dies, an employee can take up to three days of regularly scheduled work hours of paid bereavement leave. Immediate family includes the employee's parent, spouse, child, brother, sister, grandparent, or grandchild, mother/father in-law, daughter/son in-law, and civil union partners. Step-relatives and relatives by adoption are included on the same basis as blood relatives.

Additional paid or unpaid time or leave for persons not covered in the definition of "immediate family member" may be allowed in some circumstances at the discretion of the RAILS Director, Human Resources.

The employee will be required to submit an obituary, death certificate, etc. during the pay period in which the leave is requested for proper payroll processing of benefit time. †

† RAILS understands obtaining supporting documentation during the pay period will not always be feasible and will work with employees on a case-by-case basis.