

## **LIONSGATE ACADEMY**

### **509 FAMILY MEDICAL LEAVE**

*Original Adoption Date: 11/19/2013*

*Revision Date(s): 3/20/2018*

*Review Date(s): 1/4/2016, 11/2/2016, 3/1/2018, 2/2/2021*

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#### **I. PURPOSE**

The purpose of this policy is to provide employees with a general description of their rights under the Family and Medical Leave Act (FMLA). In case of any discrepancy between this policy and the FMLA, employees will be afforded all rights required by the FMLA.

#### **II. GENERAL STATEMENT OF POLICY**

Lionsgate Academy is a "covered employer" under the FMLA and will comply with the FMLA.

#### **III. POLICY**

##### **A. Leave Entitlements**

- a. Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:
  - The birth of a child or placement of a child for adoption or foster care;
  - To bond with a child (leave must be taken within 1 year of the child's birth or placement);
  - To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
  - For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
  - For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.
- b. An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.
- c. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.
- d. Lionsgate Academy will require use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

B. Benefits and Protections

- a. While employees are on FMLA leave, Lionsgate Academy will continue health insurance coverage as if the employees were not on leave.
- b. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

C. Eligibility Requirements

- a. An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:
  - Have worked for the employer for at least 12 months;
  - Have at least 1,250 hours of service in the 12 months before taking leave; and
  - Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

D. Requesting Leave

- a. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify Lionsgate Academy as soon as possible and, generally, follow Lionsgate Academy's usual procedures.
- b. Employees do not have to share a medical diagnosis, but must provide enough information to Lionsgate Academy so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing Lionsgate Academy that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary.
- c. Employees must inform Lionsgate Academy if the need for leave is for a reason for which FMLA leave was previously taken or certified.
- d. Lionsgate Academy will require a certification and periodic recertification supporting the need for leave. If Lionsgate Academy determines that the certification is incomplete, it will provide a written notice indicating what additional information is required.

E. Lionsgate Academy's Responsibilities

- a. Once Lionsgate Academy becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, Lionsgate Academy will notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, Lionsgate Academy will provide a reason for ineligibility.
- b. Lionsgate Academy will notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.
- c. When calculating use of 12 weeks of unpaid leave in a 12-month period, Lionsgate Academy will use the following method: "rolling" 12-month period measured backward from the date of an FMLA usage.

- d. Whenever possible, Lionsgate Academy will comply with the FMLA using Department of Labor Forms, including but not limited to:
- Form WH-380: Employee Rights under the Family and Medical Leave Act  
<https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>
  - Form WH-380-E: Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)  
<https://www.dol.gov/whd/forms/WH-380-E.pdf>
  - Form WH-380-F: Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)  
<https://www.dol.gov/whd/forms/WH-380-F.pdf>
  - Form WH-381: Notice of Eligibility and Rights and Responsibilities  
<https://www.dol.gov/whd/forms/WH-381.pdf>
  - Form WH-382: Designation Notice  
<https://www.dol.gov/whd/forms/WH-382.pdf>

**Legal References:**

*Family and Medical Leave Act (29 U.S.C. 2611 et seq)*

*Employee Rights under the Family and Medical Leave Act*

<https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>