

3. Personnel

Staff appointments are made by the administrative librarian in accordance with the approval of the board. Appointment of the Administrative Librarian is made by the Library Board.

The Marysville Public Library Policies and Procedures Manual must be read and agreed to by signature by all employees and volunteers prior to beginning work.

Probationary Period

Each new employee is hired under a six-month probationary period. A review of the employee's work performance will be made during the probationary period as well as at the end of it, and this review will be discussed with the employee.

Terms of Employment following Probationary Period

All employees are "at will" and may be terminated at will of employee or employer with or without cause. Please see the Disciplinary Policy in the Appendix.

City policy is followed for health insurance and KPERS retirement plans.

Background Checks

Every new employee will have a background check cleared before employment begins.

Resignations

Resignations are submitted in writing to the Board. A one-month notice is requested for the Director and two weeks for other employees. If an employee fails to report to work for three consecutive days without proper notification it will be considered a resignation.

Dismissals

Dismissals are made by the Director and the Library Board. The advice and counsel of a legal representative of the board shall be obtained when advisable.

Standards of Conduct and Corrective Action

The image of the Library is conveyed through the attitudes, appearance, conduct, and working relationships of the staff. Each staff member must act as an ambassador to the public at large, demonstrating exemplary public relations. Employees of the Library are also expected to be courteous, cooperative, and communicative when working with fellow employees. Should problems arise, it is the responsibility of each individual to make every effort to solve the problem through open, positive, job-related communications with the person or persons involved in the situation. If necessary, the immediate supervisor or director will become involved in finding solutions to the problem. The director maintains an open door

to employee concerns. Should the director be unable to resolve these concerns, they will be referred to the Library Board of Trustees.

The Marysville Public Library's Code of Professionalism is the backbone of goodwill and the first reference for issues in the library. It is as follows.

- Treating everyone with respect and dignity - not only supervisors and fellow employees, but all patrons and anyone else encountered at the library.
- Acknowledgement - greeting each other and patrons with a smile even when not feeling like it - acknowledging a "job well done" or "good idea," etc. to fellow employees.
- Good judgment in any situation.
- Ability to take suggestions or criticism without getting upset and to learn from the situation.
- Being approachable - have an open mind and listening ear.
- Assisting others, staff or patrons, without waiting to be asked.
- Gracefully accepting human shortcomings.

If a violation occurs, one or more of the following forms of corrective action may happen.

- (a) *Verbal Warning.* A verbal warning is an oral reprimand given to an employee by the director. A record of the warning shall be recorded in the employee's file.
- (b) *Reprimand.* A reprimand is a written censure to an employee by the director, a copy of which shall be recorded in the employee's file.
- (c) *Training.* Training is a trial period of a specific length of time during which an employee is required to fulfill a set of conditions, to improve work performance, or to improve on the job behavior. Failure to meet the training requirements may result in additional disciplinary actions, up to and including termination.
- (d) *Termination.* Termination is the removal of an employee from employment with the Library.

Any disciplinary action does not alter the employment-at-will relationship between the employee and the Library. The Library does not follow a sequential progression of corrective actions and may select the disciplinary action it deems appropriate for the violation in question.

Qualifications and Duties of Employees

Director

a) Qualifications

- A degree in library science from a library school accredited by the American Library Association and/or equivalent library experience.

- An understanding of library objectives, organization, functions, and administration.
- A desire to keep the library moving in a forward motion keeping with the trends.
- Ability to use computer technology.
- Acquaintance with the content and use of information and bibliographic tools.
- Understanding of materials, library users, and the means by which they are brought together effectively.
- Ability to analyze problems, adapts ideas to the local situation, or formulates original and creative solutions for problems.
- Willingness to keep abreast of new library trends through participation in professional organizations and workshops for continuing education.
- Willingness to participate in community organizations and on committees that keep the library an active member of the community as a whole.

b) Duties

- Manage the library, carrying into effect the policies as determined by the Library Board.
- Insure timely orders for books and supplies in the name of the Marysville Public Library.
- Oversee classification, cataloging, and arrangement of materials.
- Conduct regular evaluations and meetings of staff and volunteers with the appropriate documentation.
- Keep exact account of all money received from tax monies, fines, gifts and other sources; itemize expenses; report to the Board at the regular monthly meetings. Deposit all money in the name of the Marysville Public Library in a Marysville financial institution.
- Prepare an annual report showing fully the operations of the library in accord with the annual report required by the governing body of the municipality and the Kansas State Library.
- Select, with Board approval, train, and supervise non-exempt personnel and volunteers.
- Attend Library Board meetings except during specific discussion of the library director's position.
- Make recommendations to the board as to new policies, procedures, and services that will improve the library.
- Represent the library by actively participating in civic functions.
- Other duties as may be prescribed by the Board of Directors.

c) Hours of work

- The Library Director will serve a minimum of forty hours per week.

Assistant Director

a) Qualifications

- Bachelor's degree from an accredited university or comparable experience.

- Must be comfortable with current technology.
- Customer/patron service experience required.
- Intermediate computer skills.
- Ability to work independently with accuracy and attention to detail.
- Willingness to adhere to the philosophy of librarianship as stated in the Library Bill of Rights.
- Must establish and maintain effective working relationships with co-workers and adhere to the library's Code of Professionalism.

b) Duties

- Manage the library in the absence of the library director.
- Have a current and complete working knowledge of the library's automation system.
- Help patrons to meet all their information needs through an understanding of digital and print information sources available.
- Keep library materials in good order and repair.
- Maintain the privacy of patron records and needs.
- Attend in-service workshops, meetings, and conferences as requested.
- Other duties as assigned by the library director.

c) Hours of work

- Determined by the Board.

Library Assistant

a) Qualifications

- Bachelor's degree from an accredited university or comparable experience.
- Must be comfortable with current technology.
- Customer/patron service experience required.
- Intermediate computer skills.
- Ability to work independently with accuracy and attention to detail.
- Willingness to adhere to the philosophy of librarianship as stated in the Library Bill of Rights.
- Must establish and maintain effective working relationships with co-workers and adhere to the library's Code of Professionalism.

b) Duties

- Manage the library when in charge.
- Have a current and complete working knowledge of the library's automation system.
- Help patrons to meet all their information needs through an understanding of digital and print information sources available.
- Keep library materials in good order and repair.
- Maintain the privacy of patron records and needs.
- Attend in-service workshops, meetings, and conferences as requested.
- Other duties as assigned by the library director.

c) Hours of work

- Determined by the Board.

Library Aide (Qualified for KPERS)

a) Qualifications

- High school diploma or equivalent.
- Intermediate computer skills.
- Customer/patron service experience required.
- Willingness to learn and adhere to the philosophy of librarianship as stated in the Library Bill of Rights.
- Must establish and maintain effective working relationships with co-workers and adhere to the library's Code of Professionalism.

b) Duties

- Work at the circulation desk and understand the functions of the library's automation system.
- Help patrons to meet all their information needs through an understanding of digital and print information sources available.
- Maintain the privacy of patron records and needs.
- Other duties as assigned by the library director.

c) Hours of Work and Benefits

- Must work between 20 and 29 hours a week.
- Eligible for KPERS.

Library Aide (Not Qualified for KPERS)

d) Qualifications

- High school diploma or equivalent.
- Intermediate computer skills.
- Customer/patron service experience required.
- Willingness to learn and adhere to the philosophy of librarianship as stated in the Library Bill of Rights.
- Must establish and maintain effective working relationships with co-workers and adhere to the library's Code of Professionalism.

e) Duties

- Work at the circulation desk and understand the functions of the library's automation system.
- Help patrons to meet all their information needs through an understanding of digital and print information sources available.
- Maintain the privacy of patron records and needs.
- Other duties as assigned by the library director.

f) Hours of Work and Benefits

- Must work below 20 hours a week; otherwise, determined by the Board.
- Not eligible for KPERS.

Clerk

1) Qualifications

- Ability to work with technology.
- Be at least 14 years of age.
- Desire to serve the public.
- Ability to understand and use the library classification system and catalog.
- Willingness to learn and adhere to the Library Bill of Rights.

2) Duties

- Work at the circulation desk and understand the function of circulation.
- Duties as assigned by support staff and library director.

3) Hours of Work

- Determined by the Board.

Custodian

a) Qualifications

- Willingness to work and follow directions.

b) Duties

- Cleaning duties as outlined by the library director.

Volunteers

a) Qualifications

- Willingness to serve the library and the public.
- Willingness to maintain the privacy of patron records and needs.
- Ability to work with new technologies.

b) Duties

- Outlined and under supervision of the administrative librarian and support staff.
- Understanding there is to be no financial reimbursement for time served in this capacity.

c) Hours of Work

- Determined by the library director.

Salaries

Salaries of all paid employees are to be determined by the Library Board.

Library Director Spending Limit

The Library Director shall get board approval before major purchases over \$5000 not normally covered by the operating budget. In the case of an emergency building situation, the Director can get approval at the next board meeting for purchases over \$5000.

Hours of Work

It is the policy of the library to establish the time and duration of working hours as required by workload and customer service needs and applicable law.

1. The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday and consisting of 40 hours.
2. Employees are required to work the number of hours per day and the number of days per week as designated. Hours may vary from week to week.
3. The library director determines the schedule of hours for employees. Meal breaks are unpaid.
4. Non-exempt employees are not permitted to work overtime at the library or elsewhere (including home) beyond regularly scheduled hours without the director's prior approval. Non-exempt employees who perform unauthorized overtime work are subject to discipline.
5. Employees may not work as volunteers for the library.
6. Flexible time (flex time) will be the primary means in which the library complies with the Fair Labor Standards Act (FLSA) for non-exempt employees who are scheduled to work over 40 hours in a seven-day work period. The amount of hours that would be over 40 hours will be taken out of the regularly scheduled hours for that week.
7. If any hours must be worked past the 40 hours in a seven-day work period and flex time cannot be taken, compensatory time (comp time) can be scheduled for the next week as long as it is in the same pay period. The comp time rate is one-and-a-half times off for time worked over 40 hours. Hours worked for computing compensatory time is based on actual work time, and does not include time not actually worked such as paid leave or holiday pay. The director must authorize all compensatory time in advance.
8. At its discretion, the library director may authorize overtime pay as deemed warranted. The director or assistant director must authorize in advance all overtime pay.
9. Employee attendance at lectures, meetings, and training programs will be considered hours of compensable work if attendance is requested or required by management.
10. Supervisors, at their discretion, may allow non-exempt employees to make up lost time during a given workweek. However, make up may not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
11. Non-exempt employees are required to take scheduled unpaid meal breaks and are prohibited from performing any work during those breaks.
12. All employees are required to complete an individual time record showing the daily hours worked and leave used. Time records cover one pay period and should be completed each workday.
 - a. Employee time records should be completed daily. Unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation leave) should be entered on the time record.

- b. Unapproved absences should not be considered as hours worked for pay purposes. The director should inform employees if they will not be paid for certain hours of absence.
- c. Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including discharge.
- d. Time sheets should be submitted to designated person on the last working day of each pay period.

Benefits

Paid Holidays

The library will be closed on the following days: New Year's Day; Dr. Martin Luther King, Jr. Day; Presidents' Day; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving and the Friday following; and Christmas. Any employee regularly scheduled to work 30 or more hours a week will receive holiday pay.

If the holiday falls on a day the library is not open, the board will determine the library closure.

Annual Leave

Accumulated annual leave may be taken after six months of employment. Unused annual leave is payable at termination of employment up to a total of two hundred forty hours (30 days). Unearned annual leave cannot be taken in advance. Leave should be scheduled and approved by Director at least two weeks in advance. Holidays during annual leave will not be counted as leave days. Employees may not waive leave in exchange for pay.

Earned annual leave is allocated on employee's anniversary date. If employee is on leave without pay status, it will be allocated upon reinstatement of paid status; exceptions can be made with board approval.

Annual leave is granted only to full-time employees working 30 hours or more per week. Leave is not granted to contracted or part-time employees. Full-time employees can bank leave hours to a maximum of two hundred forty hours (30 days). Any days over the maximum will be lost on the employee's anniversary date of employment each year.

- After six months of service, accrued leave will be 40 hours (5 days).
- After one year of service, accrued leave will be 40 hours (5 days).
- After two years of service, accrued leave will be 80 hours 2 weeks (10 days).
- After five years of service, accrued leave will be 92 hours (11.5 days).

- After ten years of service, accrued leave will be 120 hours (15 days).
- After 15 years of service, accrued leave will be 144 hours (18 days).
- After 20 years of service, accrued leave will be 160 hours (20 days).

Sick Leave

Sick leave is granted only to full-time employees. Accumulated sick leave may be taken after six months of employment. Unused sick leave is not payable at termination of employment. Employees may bank sick leave up to a maximum of 240 hours (30 days). Any hours over the maximum will be lost on the employee's anniversary date of employment each year.

Earned sick leave is allocated on employee's anniversary date. If employee is on leave without pay at that time, leave will be allocated upon reinstatement of paid status.

- After 6 months of service, accrued leave will be 40 hours (5 days).
- After one year of service, accrued leave will be 40 hours (5 days).
- After two years of service, accrued leave will be 80 hours (10 days).

Sick leave may be used for employee's personal sickness and for illness of members of immediate family (spouse, parent, child, grandchild, grandparent, or other people who permanently resides in the home of the employee). Sick leave may also be used for doctor's exams, dental exams, or maternity leave. Sick leave may be used in hourly increments. Sick leave may not be used in advance of being earned. The library director must be notified before a scheduled work shift if sick leave is required. Physicians note may be required after three consecutive days of sick leave.

If all sick leave has been used, employees must use annual leave previously earned. If an employee is still unable to work, they may be able to take an unpaid leave of absence subject to director and/or board approval.

Birthday Leave Policy

PURPOSE

To recognize and celebrate employees on their birthdays, the Library provides eligible staff with a paid birthday leave benefit.

ELIGIBILITY

This benefit is available to all regular full-time and part-time employees. Temporary, seasonal, or contract employees are not eligible for birthday leave.

BENEFIT AMOUNT

Eligible employees receive paid time off equal to 50% of their regularly scheduled work hours for one workday.

- For employees with consistent schedules, this is based on their typical daily hours.
- For employees with variable schedules, the benefit is calculated using the average number of hours worked per week during the four weeks prior to their birthday.
- The amount of birthday leave granted will be rounded to the nearest quarter hour based on the calculated eligible time.

USE OF LEAVE

- Timeframe: Birthday leave must be used within one (1) month following the employee's birthday. Unused birthday leave will be forfeited after this period.
- Partial or Full Day Use: The leave may be taken as a partial day or combined with other approved vacation leave to create a full day off.

REQUEST AND APPROVAL PROCESS

- All birthday leave must be requested in advance and is subject to approval by the Library Director.
- Employees are encouraged to submit requests at least five (5) business days before the desired leave date to ensure adequate staffing.

Maternity Leave

With the director's approval, an employee may use sick leave or annual leave for the birth or adoption of a child. If no sick or annual leave is available, the employee may request up to 12 weeks of unpaid job-protected leave per year, with continued health insurance coverage, if eligible under the terms of the Family and Medical Leave Act of 1993.

To be eligible, an employee must be employed at the library for at least 12 months prior to the leave and have worked at least 1250 hours during the past 12 months.

If both parents are employed at the library, they shall not receive more than 12 weeks unpaid leave between them.

Leave Without Pay

With approval of the Library director, an employee may be granted a leave of absence without pay for up to three months. Such leave will be granted only when it is in the best interest of the library and when it will not cause undue or unnecessary imbalances. Leave without pay shall be granted for illness, temporary disability of the employee, or other sufficient reason, upon written request of the employee. Vacation and sick leave shall not be accrued during unpaid leave; exceptions can be made with board approval. Upon expiration of leave without pay, the employee shall return to work in the same or equal position held at the time the leave was granted. Failure without good cause to report promptly when the leave has expired shall be considered as a resignation. During the employee's absence, the position may be temporarily filled.

Transfer of Leave

Full-time employees may choose to transfer sick or vacation leave to other employees with

board approval. Leave will be transferred in hours and will be used at the recipient's pay scale.

Funeral Leave

In the case of the death in the family of a staff member (spouse, parent, child, grandchild, grandparent, in-law, or person who resides permanently in the home of the employee) a full-time employee may be granted a leave of absence, with pay, not to exceed three days. A leave of absence, with pay, for a period not to exceed one day, may be taken to allow a full-time employee to attend funeral services of other family members not listed above. Brief absences to attend funerals of friends will be given at the discretion of the Library director. At the discretion of the library director non full-time employees may be granted time off without pay to attend funerals of family or friends. Arrangements with the library director may be made for the time to be made up.

Library Credit Card

All full time employees will be given a library credit card for library purchases. Supporting documentation must be provided for all purchases. Any purchases over \$200 must be approved by the Director prior to acquisition. If for unforeseen circumstances an employee uses the card for personal use, they must reimburse the library or the amount will be deducted from the employees' paycheck.

Health Insurance

Health insurance shall be offered to employees scheduled to work over 30 hours per week.

Kansas Public Employees Retirement System

Eligible Marysville Public Library Employees shall participate in KPERS. Staff is eligible at 20 hours or more per week. The library and employees shall make contributions as required by KPERS. Temporary employees shall be excluded

Disputes

When disputes occur between the Librarian and a staff member, a hearing before the personnel committee should be allowed, and the disagreement be arbitrated to the best interest of the library.

No library is better than its staff. It is the duty of every library employee to give the best service possible to the community. The Librarian of a small public library in giving the best possible library service sets the keynote for the library in the community and a pattern for others on the staff to follow.

Mileage Reimbursement

Library Staff board members and NCKLS representative shall be reimbursed at the same rate as the published IRS rate.

Jury Duty

Should a staff member be summoned for Jury Duty in a State Court, all full and part time staff will be paid for regularly scheduled work hours. Should the summons include Federal Court, the board will have the final decision in regards to pay.

Family Medical Leave Act Policy

The library will comply with the Family Medical Leave Act (FMLA) regulations. This policy is augmented by the information in the mandatory FMLA Notice required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act posted in the Marysville Public Library and a copy is filed along with this policy.

The function of this policy is to provide employees with a **general** description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Amount of Leave: An eligible employee can take up to 12 weeks for FMLA circumstances during any 12-month period. The library will measure the 12-month period as a **rolling 12-month period measured backward** from the date an employee uses FMLA leave. Each time an employee takes leave, the library will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

Military Family Leave: The Family Medical Leave Act includes entitlements that permits qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty and military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

For military caregiver leave, the library will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Use of Paid and Unpaid Leave: An employee who is taking FMLA leave because of the employee's own serious health condition, serious health condition of a family member or military leave **must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave or leave without pay.** Sick leave will be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy. All paid leave will run concurrently with FMLA leave. Vacation, sick and any other accrued leave will not accrue during unpaid leave.

Disability leave for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Requesting FMLA Leave: All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the library director. Within five business days after the employee has provided this notice, the director will provide the employee a notice of eligibility and rights under FMLA.

Certification: The library will require certification for the use of FMLA 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. The library may require recertification to the extent allowed by law.

Designation of FMLA Leave: Within five business days after the employee has submitted the appropriate certification form the director will complete and provide the employee with a written response to the employee's request for FMLA leave.

Recertification and Intent to Return to Work from FMLA Leave: On a basis that does not discriminate against employees on FMLA leave, the library may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Workers Compensation and FMLA: Employees may not use paid leave if they are receiving compensation under the library's disability or workers' compensation insurance programs.

(U.S. Department of Labor Poster)

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees

to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:

(1) a current 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, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than is honorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition”.**

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627

WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor Wage and Hour Division

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