

MEDICAL AND FAMILY LEAVE (FMLA)

Employees who have worked for the Denver Museum of Nature & Science for at least 12 months and at least 1,250 hours during the prior 12 months may take a Medical or Family Leave for the following reasons:

- 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 or daughter or parent, who has a serious health condition;
- Serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation 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.

Eligible employees may also 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 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. The injury or illness must make 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 is on the temporary disability retired list.

Benefits and Protections

A Family or Medical Leave may be taken for up to a maximum of 12 weeks in a 12-month period except where both spouses work for the Museum. In this case, the spouses are limited to 12 weeks of leave in total during this 12 month period unless the leave is necessitated by the serious health condition of the employee or that of the employee's spouse or child.

The Museum continues medical insurance benefits for employees on Family/Medical Leave in the same manner as when an employee is working regular hours. When using accrued leave, employees must continue to pay their portion of any insurance premium while on leave, through the payroll deduction method. When on Family/Medical Leave without pay, arrangements for payment of employee's amount of the premium are made through the personnel and payroll offices.

In the event an employee fails to return from Family/Medical Leave, the employee will be liable for the premiums paid by the employer to maintain insurance coverage unless the failure to return to work stems from the continuation, recurrence or onset of a serious health condition of the employee or family member, or the failure to return stems from circumstances beyond the control of the employee.

If the employee is able but does not return to work after the expiration of the leave, (except for reasons sated above) the employee will be required to reimburse the Museum for payment of insurance premiums during the Family/Medical Leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees ("key" employees) may have limited reinstatement rights. "Key" employees (salaried employee among the highest paid 10 percent of all employees employed by DMNS) may be denied restoration to their original position, if restoration will cause substantial and grievous economic injury to the operations of the Denver Museum of Nature & Science.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer's jury duty pay are not granted on unpaid leave.

Eligibility Requirements

Employees are eligible if they have worked for DMNS for at least 12 months, for 1,250 hours over the previous 12 months.

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 a 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 full 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

The maximum time allowed for FMLA Leave is either 12 weeks in the 12 month period as defined by DMNS or 26 weeks as explained above. The 12 month period is measured forward from the date the employee's first FMLA Leave begins.

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 DMNS operations.

Leave due to qualifying exigencies may also be taken on intermittent basis. If the employee is on intermittent leave they must follow normal call-in procedures informing the supervisor or department head that time taken is under FMLA.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with DMNS agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

Substitution of Paid Leave for Unpaid Leave

Employees must use any earned paid time off, e.g., vacation, sick leave and personal leave, at the beginning of any Family or Medical Leave of Absence unless collecting workers' compensation or disability payments.

In order to use paid leave for FMLA leave, employees must comply with DMNS normal paid leave policies. If an employee fails to follow DMNS policies, the employee cannot use accrued paid leave, but can take unpaid leave.

A leave of absence is without pay when earned paid leaves are exhausted. As with other type of unpaid leaves, vacation and sick leave will not accrue during the unpaid leave. Nor are holidays granted on unpaid leave.

If an employee is using Personal Leave it must be taken in 4 hour blocks. If using a Floating Holiday, time must be used in full day block. If using Sick or Vacation, time must be used in no less than one hour increments.

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 DMNS normal call-in procedures.

Employees must provide sufficient information for DMNS 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 DMNS if the requested leave is for a reason for which FMLA leave was previously taken or credited.

All employees are required to provide a certification supporting the need for leave. Periodic recertification supporting the need for leave will be evaluated on an “as needed” basis. DMNS may require second and third medical opinions at DMNS expense.

Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the DMNS attendance guideline.

All employees on FMLA due to their own serious health condition must provide a Fitness for Duty certification from their health care provider, addressing the employee’s ability to perform the essential functions of their job. DMNS will provide to the employee a copy of their job description. Employees on leave must contact Human Resources and their Supervisor at least two days before their first day of return.

If the leave is for an employee’s own serious health condition, the employee must bring medical certification verifying ability to return to work. Failure to return to work on the day after the expiration of leave will result in termination of employment.

DMNS Responsibilities

DMNS will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employee’s rights’ and responsibilities. If they are not eligible, DMNS will provide a reason for the ineligibility.

DMNS will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If DMNS determines that the leave is not FMLA-protected, DMNS will notify the employee.

Unlawful Acts

FMLA makes it unlawful for DMNS to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- 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 DMNS.

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.



DENVER MUSEUM OF NATURE & SCIENCE

FAMILY MEDICAL LEAVE POLICY RECEIPT

I acknowledge that I have received a copy of the DMNS FAMILY MEDICAL LEAVE POLICIES, dated January 7, 2009.

These guidelines contain policies and procedures which I have read, understand and agree to comply with during my employment with the Museum.

Employee Name _____

Employee Signature _____

Date _____

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