

**Subject: Family and Medical Leave Act (FMLA)**  
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## **PURPOSE**

The Kaw Nation Family Medical Leave Act (FMLA) requires employers to provide up to twelve (12) weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible for FMLA if they have worked for a covered employer for at least twelve (12) months, which do not have to be continuous, and for 1,250 hours over the previous twelve (12) months. Kaw Nation designates the leave period as twelve (12) months from the date of original request or incident.

### **Applying for FMLA**

Employees who believe they are eligible to take leave under FMLA will apply for coverage with the Human Resources Department by filling out forms as provided by the Human Resources Department.

### **Reasons for Taking Leave**

Unpaid leave is granted for any of the following reasons:

- 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, to permit an eligible employee who is the spouse, son, daughter, parent, or next of kin of a member of the United States armed forces to take up to twenty-six (26) workweeks of leave to care for a member of the Armed Forces, including a member of a state 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.

The employee will substitute earned paid annual and sick leave for unpaid FMLA leave.

### **Advance Notice and Medical Certification**

Employees are required to provide advance leave notice and medical certification. Taking leave can be denied if requirements are not met.

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- The employee ordinarily must provide thirty (30) days advance written notice when the leave is “foreseeable.”
- A medical certification is necessary to support a request for leave because of a serious health condition. Kaw Nation may require a second or third opinion (at Kaw Nations expense) and;
- A doctor’s release to return for work.
- This information must be forwarded to HR for final approval.

### **Job Benefits and Protection**

- For the duration of the FMLA leave, Kaw Nation will maintain the employee’s health coverage under any “group health plan,” just like an active employee.
- Upon return from FMLA leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. Additionally, employees on FMLA leave do not accrue annual or sick time benefits.

Employer Kaw Nation reserves the right at anytime to modify, alter, or amend this Policy in whole or in part. Kaw Nation shall have the unlimited right to amend this Policy at any time, retroactively or otherwise, and to the extent that may be necessary to meet any legal requirement(s).