

Family and Medical Leave

In accordance with the Family and Medical Leave Act (“FMLA”), The County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the FMLA. The terms used in this Section which are defined in the Act shall have the meanings assigned to them in the Act.

Eligibility: To be eligible for FMLA leave, the employee must:

- a) Have been employed by The County for at least 12 months; and
- b) Have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

Under the FMLA, The County provides up to twelve (12) weeks of unpaid, job protected leave during any twelve (12) month period to eligible employees for the following reasons:

- a) For incapacity due to pregnancy, prenatal medical care or child birth;
- b) For the birth of, and to care for, the employee’s child after birth;
- c) For placement of a child with employee for adoption or for foster care;
- d) To care for the employee’s spouse, son or daughter (under age 18 unless disabled), or parent, who has a serious health condition; or
- e) For a serious health condition that makes the employee unable to perform the functions of their job.

These provisions apply equally to a father as well as to a mother and limited to a combined total of twelve weeks if both mother and father are County employees.

In certain circumstances, certain eligible employees may also be entitled to up to 26 weeks during the 12-month period of Military Family Leave to provide care for a spouse, son, daughter, parent or next of kin who is a military service member recovering from a serious illness or injury sustained in the line of active duty; or 12 weeks during the 12-month period for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active

duty status, in support of a contingency operation. Please see the Finance Office for questions or more information related to this specific type of leave.

Requesting Leave: If leave is planned, the employee should give at least thirty-days' notice of his or her intent to take leave under FMLA. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

If the need for leave is unplanned, an employee must notify the employer as soon as the need for the leave becomes known. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

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

Health Care Provider's Certification for Medical Leave: When FMLA leave relates to an employee's serious health condition, The County may require that the employee's request be supported by a certification issued by the employee's health care provider consistent with the guidelines in the FMLA. Under certain circumstances, The County may require recertification consistent with the FMLA.

Continuation of Benefits: When an employee is on leave under FMLA, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee continued to work. If the employee chooses not to return to work for reasons other than a serious health condition, the County will require reimbursement of the amount paid for the employee's health insurance premium during the FMLA period.

Any insurance payments and/or payroll deductions are the responsibility of the employee and the employee must continue to make such payments for continued coverage of that benefit during FMLA leave.

Returning to Work: The County may request a periodic report from the employee or certifying physician regarding the employee's status with respect to returning to work. These may be made by telephone, written correspondence or sent by fax. Prior to returning to work, each employee shall provide a fitness-for duty certification from the health care provider.

Failure to return to work, and/or failure to reasonably communicate with the County about the employee's ability to return to work following the expiration of all job-protected FMLA leave may result in the employee's unprotected absences being treated as a voluntary resignation of employment resulting in separation. It is therefore critically important to interactively communicate with the County regarding the employee's anticipated return to work date and to discuss any additional reasonable accommodations that may be required

for covered, eligible employees under the Americans with Disabilities Act.

If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the County has the legal right to request reimbursement for the monthly health insurance premiums paid on behalf of the employee, unless the reason the employee does not return is due to: (1) The continuation, recurrence, or onset of a serious health condition which would entitle the employee leave under FMLA; or (2) Other circumstances beyond the employee's control.

When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee shall provide medical certification of the employee's or family member's serious health condition.