

Family and Medical Leave Policy

Revised April 6, 2009

6.1 Purpose

In accordance with the Family and Medical leave Act of 1993, effective August 5, 1993, and as amended, Union County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the Act. The terms used in this Section which are defined in the Act shall have the meanings assigned to them therein.

6.2 Eligibility

To be eligible for leave under this Section, the employee must:

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

6.3 Manner of Accumulation

Family and Medical Leave

The eligible employee is entitled to a total of 12 work weeks of unpaid leave during any 12- month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave (except that such measure may not extend back before August 5, 1993).

Military Family Leave

Care Giver Leave

The eligible employee is entitled to a combined total of 26 work weeks of unpaid leave during any 12- month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

Qualifying Exigency Leave

The eligible employee is entitled to a combined total of 12 work weeks of unpaid leave during any 12- month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

6.4 Qualifying Reasons for Family and Medical Leave

Family and Medical Leave shall be granted for the following reasons:

- 1) The birth of a son or daughter, and to care for the newborn child;
- 2) The placement with the employee of a son or daughter for adoption or foster care;
- 3) The care of an employee's spouse, son, daughter, or parent with a serious health condition; or
- 4) A serious health condition that makes the employee unable to perform the essential functions of the employee's job.

6.5 Qualifying Reasons for Military Family Leave

Military Family Leave shall be granted for the following reasons:

- 1) The care of 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. Up to 26 weeks may be granted.
- 2) 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. Up to 12 weeks may be granted.

6.6 Requesting Use of Family and Medical or Military Family Leave

Pursuant to this Article, it is the duty of each employee to indicate the nature of circumstances bringing about an absence from work. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within five (5) business days.)

Planned

In cases where the need for leave is foreseeable, such as planned medical treatment, the employee is required to provide the immediate supervisor a FML Request Form and a Certification of Health Care Provider Form at least thirty (30) days in advance of the date the leave is to begin.

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.

Unplanned

In cases when circumstances do not permit a thirty (30) day notification, the employee must follow the departmental or County reporting to work policy, whichever is applicable, and provide at least verbal notification to the immediate supervisor of when the need for leave becomes known to the employee. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FML-qualifying leave, and the anticipated timing and duration of the leave.

6.7 Health Care Provider's Certification for Medical Leave

The Certification of Health Care Provider Form for the employee's or family member's serious health condition must be submitted to the employee's immediate supervisor within fifteen (15) calendar days of the request for verification on a form prescribed by the County.

In cases of an employee's serious health condition, it is important for the Health Care Provider to be familiar with the tasks and physical requirements of the employee's work in order to give specific feedback on the employee's ability to perform essential functions of the job. At the time Medical Leave is requested, the immediate supervisor shall provide the employee with both a copy of his/her job description and the Certification of Health Care Provider Form.

The County may require re-certification if:

- 1) Circumstances or length of requested leave described by the original certification have changed significantly,
- 2) The County receives information that casts doubt upon the continuing validity of the certification.

6.8 Coordination of Leave

To the extent the employee has earned and accrued paid sick leave, the employee shall be required to use all accumulated sick leave for any (otherwise) unpaid Family and Medical or Military Family Leave.

Upon use of all earned sick leave, the employee may elect, but is not required to use accrued holiday leave or vacation leave for the remaining balance of any (otherwise) unpaid Family and Medical or Military Family Leave.

When an employee has used all accrued paid sick leave, the employee may then request the use of accrued compensatory time off during the qualified Family and Medical or Military Family Leave event. Compensatory time off is not a form of paid benefit leave. In accordance with the provisions of the Family and Medical Leave Act, any compensatory time off taken during a qualified event shall not be deducted from the employee's remaining balance of Family and Medical or Military Family Leave.

6.9 Maternity

Time taken away from work for maternity-related reasons shall be considered a qualified Family and Medical Leave event.

At any stage of the pregnancy, a supervisor or Department Head may request a doctor's certificate stating that the employee is still permitted and capable to perform all tasks and duties required by their position.

If a pregnant employee holds a position that requires physical demands more strenuous than permitted by her attending physician and therefore cannot perform the tasks and duties of the position for an amount of time greater than is provided through Family and Medical Leave and her accrued paid leave, the County Manager may hold the position open or fill the position with a part-time or temporary employee until the full time employee is released by her physician for return to duty.

The employer may require the employee to transfer temporarily, during the period of time that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the

employee's regular position. If an alternative position is not available, the employee will be placed on inactive status leave without pay during this time.

While an employee is on certified FML, the County will continue to pay the County's portion of the employee's monthly health insurance premium. The employee will continue to be responsible for any premium for dependent coverage. If the FML is unpaid, the employee shall pay to the County his or her premium for dependent coverage no later than the 20th day of the following month.

6.10 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.

6.11 Failure to Return to Work

Failure to return to work within three (3) consecutive workdays after expiration of the approved Family and Medical or Military Family Leave shall be considered a voluntary resignation.

If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the employee shall reimburse the County for the monthly health insurance premiums paid, 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.