

SECTION 07-11

Effective Date: July 1, 1996

FAMILY LEAVE (FAMILY AND MEDICAL LEAVE ACT OF 1993)

In accordance with the Family and Medical Leave Act of 1993 (FMLA) any person who has been employed with the County for a minimum of twelve (12) months and has worked a minimum of 1,250 hours during the previous twelve (12) month period, is eligible for a maximum of twelve (12) work weeks of leave per calendar year for:

- (A). The birth and first year care of a child;
- (B). The placement of child for adoption or foster care with the employee;
- (C). To care for the employee's spouse, child, or parent who has a serious health condition; and
- (D). A serious health condition that makes an employee unable to perform the essential function of the employee's position.

In accordance with the FMLA, an employee must exhaust available Personal, Sick and/or Annual Leave, where appropriate under County policies, prior to being approved for Family Leave. If an employee uses accrued Personal, Sick and/or Annual Leave, such leave time will count toward the total twelve (12) weeks of leave during the calendar year the County is required to provide. In other words, unpaid leave time available under Family Leave is deducted from the amount of paid leave the employee has already used, if any. Family Leave as an option is only available if an employee has less than twelve (12) weeks of paid Personal, Sick and/or Annual leave time available.

Family Leave for the birth of a child or placement of an adopted or foster child may be taken only within twelve (12) months of the birth or placement. The right to unpaid leave for these purposes is waived if not taken during this time. An employee must provide thirty (30) days advance notice of such leave. If the employee is unable to provide thirty (30) days notice, the employee must provide such notice as is practicable. Family Leave may be taken on an intermittent or reduced basis for the birth or placement of a child but only if the County Administrator agrees to this arrangement in advance.

When leave is necessary because of a serious health condition -- either that of the employee's child, spouse or parent or the employee -- it may be taken intermittently where medically necessary. Employees undergoing foreseeable medical treatment are required to make reasonable effort to schedule treatments so as not to disrupt unduly the operations of the department(s) to which the employee is assigned. Employees must give thirty (30) days advance notice of medical treatment, unless unable, in which case they must give notice as practicable.

An employee requesting Family Leave should do so in writing to the County Administrator as soon as practicable. An employee is required to furnish written certification for leave from a physician involving a serious health condition affecting the employee or the employee's child, spouse or parent. The certification must include the date the serious health condition began; the probable duration of the condition and, where appropriate, supporting medical facts concerning the condition. If the leave request is based on the employee's own serious health condition, the certification must also affirm

employee's inability to perform his/her job. Where leave is necessary for care of a spouse, child or parent, it must be certified by a physician that the employee is needed to provide this care.

When the County Administrator has reason to doubt the validity of such certification, the County Administrator may require a second opinion. Selection of the new physician is subject to the County Administrator's approval. If the two health care providers disagree, the County Administrator may require the opinion of a third jointly approved health care provider who shall be the final authority on the question. The cost of soliciting second and third opinions shall be borne by the County. The County Administrator may also require the employee to obtain subsequent recertification on a periodic basis but not more often than every thirty (30) calendar days unless (i) the employee requests an extension of leave; (ii) circumstances described by the original certification have changed significantly or (iii) the County receives information that casts doubt upon the continuing validity of the certification.

The County Administrator at his/her discretion may require periodic reports from an employee on Family Leave regarding the employee's status and intent to return to work. If the employee gives written notice or clearly expressed intent not to return to work, the County shall no longer be obligated to provide health benefits and to restore the employee to work.

The County may require a fitness-for-duty certification from an employee whose leave was occasioned by the employee's own serious health condition. The certification shall be in writing and shall be filed in the employee's Permanent Personnel Record upon receipt and acceptance by the County Administrator.

The County will maintain the employee's group health insurance during approved Family Leave periods at the same level of contribution as provided prior to the period of the unpaid leave of absence. However, should an employee fail to return from leave granted under this policy, the employee will be required to reimburse the County premiums paid on his or her behalf during the period of any unpaid absence, unless the reason the employee does not return is due to (i) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to leave under the FMLA or (ii) other circumstances beyond the employee's control. If the employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition the County may require medical certification of the employee's serious health condition or of the employee's to provide care to a child, spouse or parent with a serious health condition.

Generally, any employee who takes Family Leave is entitled to return to his/her original position, if available, upon completion of the leave. If the original position is unavailable, the employee is entitled to a genuinely equivalent position, with equal pay, benefits, status and other conditions of employment previously enjoyed.

Should there be any substantive difference between these provisions regarding Family Leave and any state or federal provisions regarding such leave as applicable to employees of local governments, such state or federal provisions shall prevail.