

RESOLUTION #323-93
EMPLOYEE HANDBOOK

B-10

FAMILY LEAVE (Family and Medical Leave Act of 1993, effective August 5, 1993)

WHO CAN TAKE FAMILY LEAVE?

Employees with an employment status of PT-20 or greater for a period of 12 months are eligible.

WHAT EVENTS ENTITLE YOU TO FAMILY LEAVE?

1. For the birth or adoption of a child, or receiving a child for foster care.

2. For the employee's own serious health condition that makes it impossible to perform essential job functions.

3. For the caring of an employee's child*, spouse** or parent*** with a serious health condition.

** Biological, adopted and foster children under 18. A disabled child of any age.*

***A spouse may be common-law husband and wife but not partners who are not recognized as spouses.*

****Anybody who treated the employee as a son or daughter when the employee was under 18 or disabled is considered a parent.*

Serious health condition

The definition of "serious health condition" is the same for employees and relatives- an illness, injury, impairment or condition that meets one of three criteria:

- it requires at least an overnight stay in a hospital, hospice or other residential medical institution
- it involves an absence from work or other daily activity for more than three days, and requires continuing treatment or supervision by a health care provider
- it is a chronic or long-term illness that is incurable or so serious that if untreated would probably lead to more than three days' incapacity, and which requires continuing medical treatment or supervision.

HOW DO YOU RECEIVE FAMILY LEAVE?

1. Notify the department head 30 days in advance or within two days of learning of the need.

2. Complete form F-11 Leave Request and submit it to the Auditor's Office along with form F-12 Medical Certificate, completed by a health care provider.

A medical certificate may be challenged by the County by paying for a second opinion from a health care provider of its own choosing. If the two opinions differ the County can pay for a third opinion from a mutually agreeable provider whose decision then becomes final.

Resolution #323-93 (cont.)
EMPLOYEE HANDBOOK

HOW MUCH FAMILY LEAVE CAN BE TAKEN?

12 workweeks will be awarded to eligible employees on a rolling 12 month period measured backward from the date the leave begins. Example:

If Joe requests family leave April 1, 1994 and Joe had taken 3 weeks in July, 1993 and 2 weeks in January, 1994 he would only be entitled to 7 weeks.

For a new child, family leave must be completed within 12 months after the birth, adoption or placement for foster care.

The maximum 12 workweeks may be taken continuously or under certain circumstances, intermittently or on a reduced leave schedule. In the case of a new child the County must agree to a reduced schedule. In the case of illness it must be medically necessary.

Any employee with a spouse working at the County shall be allowed a combined total of 12 work weeks during a 12 month period if leave is taken for birth, placement for adoption or foster care.

See Benefit Schedule for PT employees.

Adopted December 6, 1993

Resolution #323-93 (cont.)
EMPLOYEE HANDBOOK

HOW WILL FAMILY LEAVE EFFECT BENEFITS?

Health and Life Insurance

Insurance coverage will continue with the County and employee paying the same share of the cost.

If an employee fails to return from family leave the County may recover its share of insurance premiums it paid during the period of family leave that was unpaid.

Employee's Contribution for Dependent Coverage

The employee must make payment to the Auditor by the 25th of the month for the following month's coverage, if the Auditor is unable to continue sufficient payroll deductions. Delinquent payment of the premiums may be grounds for terminating the continuous coverage.

Sick Leave

Paid sick leave may only be used for an employee's personal illness. Paid sick leave may only be used during maternity leave when medically necessary as determined by the health care provider.

Vacation

Earned vacation time must be used before being placed on unpaid family leave.

Compensation Time

Comp time must be used before being placed on unpaid leave.

Holiday

Holiday pay will only be awarded while on paid leave.

APPROVED



Chairman to Board of Supervisors

After (5) five working days of unpaid family leave an employee no longer accrues sick leave, vacation or holiday benefits.

Attest


County Auditor

REINSTATING EMPLOYEES AFTER FAMILY LEAVE

For an employee's serious health condition a medical certificate that states that the employee is fit to perform the essential functions of the job will be required.

An employee will be restored to the same job they left or to one with equivalent benefits, pay, working conditions and status.

In the case of intermittent leave or reduced schedule leave an employee may be placed in another job with equivalent pay and benefits, even if it does not have equivalent status or responsibilities.

If layoffs or reductions in force occurred while the employee is on leave, and they would have lost their jobs had they remained, they lose their right of reinstatement.