

Family Medical Leave (FMLA). Under the terms of the Family and Medical Leave Act of 1993 (FMLA), Title 219, Part 825 of the Code of Regulations, employees may request leave with or without pay under the following conditions:

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

D. FMLA Eligibility. FMLA allows employees to request leave without pay for up to 12 weeks within a 12-month period. The 12-month period shall be defined as a "rolling" 12-month period measured from the last use of FMLA leave. The employee must have worked for the county for 12 months or 52 weeks and must have worked 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. Employees are required to use all sick leave which they have accrued, prior to going on leave without pay. The county shall not require the use of annual leave as part of family medical leave. The employee, at the employee's option, may use annual leave as part of family medical leave. Such paid leave status shall be included in the total of the 12 work weeks. If a husband and wife both work for the county, they shall together be entitled to a total of 12 work weeks of family leave and leave need be granted to only one parent at a time.

E. FMLA Notification. An employee planning to take family leave under the terms of this section shall provide the department head with written notice at least 30 days in advance of the anticipated date of leave. The department head and/or supervisor shall notify the payroll department of any FMLA leave or any change in status of an employee. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. While on leave, employees are requested to report periodically to the department head and/or supervisor regarding the status of the medical condition and their intent to return to work.

F. Employee Status and Benefits During FMLA. While an employee is on FMLA leave, the county shall continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. During the period of leave taken under the terms of this section, if the employee is not eligible for any employer contribution to medical or dental benefits under the county's policy, the county shall allow the employee to continue, at his or her own expense, medical or dental insurance in accordance with state or federal law.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee, or the employee's family member or a circumstance beyond the employee's control, the county shall require the employee to reimburse the county the amount the county paid for the employee's health insurance premium during the leave period.

G. FMLA Certification of the Serious Health Condition. The county reserves the right to request certification of the serious health condition. Request for medical certification shall be made in writing as part of the county's response to the employee's request for leave. (Res. 77-99 § 7.9, 1999).