

# ALLEGAN COUNTY EMPLOYEE HANDBOOK

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| <b>Category:</b> Employee Benefit Policy                    |
| <b>Number:</b> 512  |
| <b>Approved:</b> February 10, 2005, supersedes prior policy |
| <b>Subject:</b> FAMILY AND MEDICAL LEAVE ACT                |

1. **GENERAL:** The Family and Medical Leave Act of 1993 (FMLA) requires that Allegan County as the employer allow its employees to take an unpaid leave of absence up to twelve (12) workweeks during any twelve (12)-month period.
2. **POLICY:** This is in addition to the existing leave of absence policy and implementation requirements of the Family and Medical Leave Act of 1993 (FMLA) and regulations (29 C.F.R. §825). This policy is not all-inclusive. It highlights the provisions of the FMLA and implementing regulations. If there is any inconsistency between this policy and FMLA or the implementing regulations, FMLA and its regulations will control.
3. **ELIGIBILITY:** Employees are entitled to up to twelve (12) weeks unpaid job protected leave for certain family and medical reasons if they have worked at least twelve (12) months of service and have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months.
4. **REASONS FOR TAKING FMLA LEAVE:**
  - 4.1 For the birth and care of your newborn child.
  - 4.2 For placement with you of an adopted or foster child.
  - 4.3 To care for the spouse, son, daughter or parent who has a serious health condition.
  - 4.4 For a serious health condition that makes the employee unable to perform the essential functions of the employee's position.
5. **ADVANCE NOTICE BY EMPLOYEE:** An employee is required to provide advanced notice of leave and medical certification if FMLA leave is desired.
  - 1.1 An FMLA leave may be denied if the notice and certification requirements are not met.
  - 1.2 An employee must ordinarily provide thirty (30) days advance notice when the leave is "foreseeable".
  - 1.3 If thirty (30) days notice is not practical taking into account all of the facts and circumstances in each individual case, then notice must be given within a reasonable period of time when the need for leave becomes known to the employee.

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- 5.4 Leave requests must be in writing where practical and must include the following:
- 5.4.1 Reasons for the leave.
  - 5.4.2 Anticipated duration.
  - 5.4.3 Anticipated start of the leave with medical certification attached.
- 5.5 The employer is responsible for designating if an employee's use of paid leave counts as FMLA leave, based on information provided by the employee. The County may designate leave as FMLA leave if it meets the requirements even when the employee does not specifically request FMLA leave.
6. **MEDICAL TREATMENT:** Medical treatment must be scheduled so as to minimize loss of work time. Employee should discuss with the employer/supervisor about a convenient treatment schedule.
7. **USE OF PAID TIME:** The use of paid time off will be required for FMLA leave for the net difference of any short term disability benefits, an amount necessary to maintain benefit payments, or any other amount as defined in a collective bargaining agreement.
8. **ABSENCES:** Absences permitted by FMLA will not be counted as absence incidents.
9. **FMLA ENTITLEMENT:** Paid leave and unpaid leave pursuant to the FMLA will be counted against the Employee's FMLA entitlement.
10. **MEDICAL CERTIFICATION:** An employee must furnish to the department head and Human Resources Department medical certification of necessity for the leave within fifteen (15) days after a written request for the certification and must be renewed every thirty (30) days after. If medical certification is incomplete the employee will be provided a reasonable opportunity to correct the deficiency. In the case of foreseeable leave, failure to provide medical certification will cause the leave to be denied until the required certification is provided.
11. **JOB BENEFITS:** For the duration of FMLA leave, group health insurance coverage will be maintained. An employee who has an obligation to pay part of the health care premiums at time of the FMLA leave must make provisions with the Human Resources Department to continue the payments during such FMLA leave.
12. **RETURN TO WORK:** If an employee on an FMLA leave decides not to return to work, the County is entitled to recover its share of health plan premiums during

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the period of FMLA leave, subject to circumstances beyond the employees control.

13. **FITNESS FOR DUTY:** Upon return to work, an employee will be required to submit a fitness for duty certificate on the same basis as exists under current return from medical absences.
14. **KEY EMPLOYEE:** A “Key Employee” will be so advised at the time a FMLA leave is requested. Upon determination that substantial and grievous economic injury to the County’s operations will occur, we may deny reinstatement of a key employee.
15. **RESTORATION TO POSITION:** Upon return from FMLA leave, an employee must be restored to the employee’s original job prior to taking the leave, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment, provided that you return to work immediately following the conclusion of family and medical leave. If the employee’s position is unavailable (due to, for example, a temporary or indefinite layoff), the employee has no greater right to reinstatement than had the employee been continually employed during the FMLA leave period. Employees are not entitled to reinstatement if the employee’s appointment end date occurs before the employee’s scheduled return date from family and medical leave.
16. **THE HUMAN RESOURCES DEPARTMENT IS RESPONSIBLE FOR:**
  - 2.1 Providing an employee requesting FMLA leave with written notice detailing the specific expectations and obligations of the Employee and explaining any consequences of a failure to meet these obligations.
  - 2.2 Providing an employee with a copy of the FMLA Fact Sheet.
  - 2.3 Providing an employee with requisite forms for medical certification.
  - 2.4 Answering questions regarding FMLA rights, duties and obligations of the employee and the County. Contact the Human Resources Department for forms and certifications.