

C-4 FAMILY AND MEDICAL LEAVE POLICY



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REVIEW TIME: Annually in January of each Year

4.1.0 PURPOSE

4.1.1 The purpose of this policy is to provide employees, supervisors and managers with a general description of their rights and obligations under Federal Family and Medical Leave Act of 1993 ("FMLA"), and the California Family Rights Act ("CFRA") regulations and to provide procedures for administering and utilizing leaves of absence.

4.2.0 POLICY

4.2.1 The County will comply with the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the California Family Rights Act ("CFRA") regulations.

4.2.2 To the extent not already provided under current leave policies and provisions, the County will grant family and medical care leave under certain reasons specified in this policy for eligible employees.

4.2.3 Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

4.2.4 Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the Department of Fair Employment and Housing regulations implementing the California Family Rights Act ("CFRA").

4.3.0 DEFINITIONS

4.3.1 "12-Month Period" – means the 12 month period measured forward from the date an employee's initial leave begins.

4.3.2 "Child" – a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step child.

A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living or instrumental activities of daily living – such as: care for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

4.3.3 "Contingency Operation" – means a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force; or results in the call or order to, or

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retention on, active duty of members of the uniformed services, or any other provision of law during a war or during a national emergency declared by the President or Congress.

- 4.3.4 "Covered military member" – the spouse, son, daughter or parent of the employee.
- 4.3.5 "Covered Service member" – includes current members of the Regular Armed Forces, current members of the National Guard and Reserves, and members of the Regular Armed Forces, or a covered veteran who was discharged or released under conditions other than dishonorable.
- 4.3.6 "Health Care Provider" – means:
- A. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California.
 - B. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another county, who directly treats or supervises treatment of a serious health condition.
 - C. Podiatrists, dentist, clinical psychologist, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law.
 - D. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law.
 - E. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
 - F. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.
- 4.3.7 "Intermittent Leave" – leave taken in separate blocks of time due to a single illness or injury, and is limited solely to times scheduled for treatment, or for recovery from either illness or treatment. Only the actual time away from work is deducted from the total available hours for FMLA for the employee.
- 4.3.8 "Medically Necessary" – means there must be a medical need for the leave and that the leave can be best accomplished through an intermittent or reduced leave.
- 4.3.9 "Parent" – the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This

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term does not include mother/father-in-law. A biological or legal relationship is not necessary.

- 4.3.10 "Registered Domestic Partner" – a member of a same sex couple or a person of an opposite sex if one or both of the opposite sex couple is over age sixty-two (62) and other eligibility criteria established by the California Family Code Section 297 are satisfied. There must be a Declaration of Domestic Partnership on file with the California Secretary of State in order to qualify under this provision.
- 4.3.11 "Serious Health Conditions" – an illness, injury, impairment, or physical or mental condition that involves:
- A. Inpatient Care means a stay in a hospital, hospice, or residential care facility, any subsequent treatment in connection with such inpatient care or any period of incapacity (i.e., inability to work, or perform other regular daily activities) due to the serious health condition, treatment involved, or recovery there from. A person is considered an "inpatient" when a health care facility formally admits him or her to the facility with the expectation that he/she will remain at least overnight and occupy a bed, even if later develops that such person can be discharged or transferred to another facility and does not actually remain overnight, or
 - B. Continuing Treatment for a serious health condition involving continuing treatment by a health care provider including any one or more of the following:
 - 1. A period of incapacity (i.e., inability to work or perform other regular daily activities) due to serious health condition of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves either:
 - a. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider or health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider within thirty (30) days from the first day of incapacity, absent extenuating circumstances. The first medical visit must take place within seven (7) days of incapacity;
 - b. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

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2. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law an employee disabled by pregnancy is entitled to Pregnancy Disability Leave).
3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant at least twice a year for the same condition under direct supervision of a health care provider; and
 - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one (1) day.
4. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

4.3.12 "Spouse" – a husband or wife as defined or recognized under California State law for purposes of marriage, including "common law" marriages and same-sex marriages.

4.4.0 FMLA/CFRA ELIGIBILITY

4.4.1 To be eligible for leave, an employee must:

- A. Have worked for the County for at least twelve (12) months; *and*
- B. Have worked a minimum of 1250 hours in the 12-month period immediately preceding the commencement of leave.

4.4.2 The twelve (12) months of service in Section 4.3.1.A need not be in consecutive months.

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4.4.3. The 1,250 hours in Section 4.3.1.B above are all actual “hours worked” under the Fair Labor Standards Act and do not include time off, such as vacation or sick leave, even if paid. The determination of whether an employee has worked for 1,250 hours shall be made as of the date the leave commences.

4.5.0 REASONS FOR LEAVE

4.5.1 Leave is only permitted for the following reasons:

- A. Birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Care for a child, parent, spouse or domestic partner who has a serious health condition; or
- D. A serious health condition that renders the employee unable to perform the functions of his/her position;
- E. Provide care for a “covered military service member” who is recovering from a serious illness or injury sustained or aggravated by service in the line of duty on active duty for which the service member is (1) undergoing medical treatment, recuperation, or therapy; or (2) otherwise in outpatient status; or (3) otherwise on the temporary disability retired list;
- F. Provide support to a “covered military service member” who is on active duty, or has been notified of an impending call or order to active duty status in support of a contingency operation.

4.6.0 AMOUNT OF LEAVE

4.6.1 Eligible employees are entitled to a total of twelve (12) weeks (84 days or 480 hours) of leave during a “rolling” 12-month period. This 12-month period is measured forward from the date an employee’s first FMLA/CFRA leave begins or is approved. The next 12-month period begins the first time FMLA leave is taken (or approved, if intermittent leave) after completion of any previous 12-month period.

4.6.2 Eligible employees are entitled to up to twelve (12) weeks of leave when the spouse, son, daughter, or parent of the employee is on active military duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

4.6.3 An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in

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the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single 12-month period to care for the service member.

- 4.6.4 Amount of leave entitlement for eligible employees who work less than a full-time schedule is calculated on a proportional basis to their work schedule, during the 12 weeks of leave entitlement. All employees must still meet the eligibility requirements cited in paragraph 4.3.
- 4.6.5 One or more qualifying events will run concurrently with any existing FMLA leave. Additional qualifying events do not generate a new eligibility period. The employee must have worked 1,250 hours in the preceding year to qualify to use FMLA time and establish eligibility for each qualifying event.
- 4.6.6 FMLA/CFRA leave balances cannot be carried over from one 12-month period to the next 12-month period.
- 4.6.7 Minimum Duration of Leave
 - A. If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. The basic minimum duration of such leave is two (2) weeks. However, an employee may take the leave for one of these purposes (e.g., bonding with a newborn) for less than a two (2) week duration on any two occasions. The County may grant requests for additional occasions of leave lasting less than two (2) weeks.
 - B. If leave is requested to care for a child, parent, spouse or the employee himself/herself with a serious health condition, there is no minimum amount of leave that must be taken.
- 4.6.8 Spouses Both Employed by the County
 - A. In any case in which a husband and wife both employed by the County are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled shall be limited to twelve (12) workweeks during any 12-month period if leave is taken for: 1) the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave); or 2) to care for a parent who has a serious health condition. This limitation does not apply to any other type of leave under this policy.
- 4.7.0 EMPLOYEE BENEFITS WHILE ON LEAVE
- 4.7.1 While on leave under the FMLA, employees will continue to be covered by the County's group medical, dental, vision and life insurance plans to the same extent that coverage is provided while the employee is on the job.

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- 4.7.2 While on leave under the CFRA, employees will continue to be covered by the County's group medical, dental, vision and life insurance plans to the same extent that coverage is provided while the employee is on the job.
- 4.7.3 An employee must continue to make any normal contribution to the cost of the health insurance premiums and make arrangements with the Payroll Division of the Auditor/Controller Department to pay the employee portion of the insurance premiums in order to maintain insurance coverage.
- 4.7.4 If an employee is not receiving a paycheck or the employee's payroll check is not sufficient to cover the medical insurance premium, the Payroll Division of the Auditor/Controller Department will notify the employee to coordinate payment of premiums in arrears.
- 4.7.5 If an employee informs the County of his/her intent not to return to work at the end of the leave period or fails to return to work after his/her leave entitlement has been exhausted or expires, the County may have the right to recover its share of health plan premiums for the leave period, unless the employee's failure to return is due to a continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The County may recover the premiums through deduction from any sums owed to the employee (unpaid wages, vacation pay, or direct reimbursement by the employee).
- 4.8.0 SUBSTITUTION OF ACCRUED LEAVES
- A. An employee on FMLA leave must use all sick leave and all other accrued leave balances for his/her own serious health condition before a leave of absence without pay may be granted.
- B. An employee on CFRA leave who is receiving State Disability Insurance (SDI) or Paid Family Leave (PFL) may elect to integrate accrued leave balances for his/her own serious health condition or due to a qualified family member's serious health condition. After CFRA is exhausted, employee must use all accrued leave balances before a leave of absence without pay may be granted.
- C. An employee on FMLA/CFRA leave due to a qualified family member's serious health condition may use family sick leave and other accrued leave benefits, as set forth in the applicable Memoranda of Understanding or Personnel and Salary Resolution.
- D. An employee may not use sick leave while on FMLA and/or CFRA leave for baby bonding, placement of a child with the employee, for adoption or foster care.

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4.9.0 MEDICAL CERTIFICATION

- 4.9.1 Employees who request leave for their own serious health condition or to care for a child, parent or spouse who has a serious health condition, must provide completed certification, from the health care provider of the individual being treated.
- 4.9.2 A military service member as outlined in 4.4.1 E and F above must provide written certification from the health care provider of the individual being treated or military service orders outlining deployment.
- 4.9.3 The County may contact the employee's health care provider directly to obtain authentication of a FMLA medical certification. The county representative contacting the employee's health care provider shall be either a human resources professional, a management official or a health care provider designated by the Human Resources Director or other County management officials. The employee is not required to permit his or her health care provider to communicate with the county representative, but if such contact is not permitted and the employee does not otherwise clarify an unclear certification, the County may deny the designation of FMLA/CFRA leave.
- 4.9.4 The county may request recertification upon expiration of the time period identified in the health care provider's certification, with the exception of a condition identified as a lifetime, which does not require recertification.

4.10.0 MEDICAL CERTIFICATION FOR INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE

- 4.10.1 If the leave is requested for the employee's health issue on an intermittent or reduced hour schedule, the certification of health care provider must indicate the frequency and duration of the leave required, and the approximate duration of the need for leave. The employee must make a "reasonable effort" to schedule medical treatment so as not to disrupt the departments operations.
- 4.10.2 If the employee requests leave intermittently (a few days or hours at a time), or on a reduced work schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. The County requires the certification of a health care provider to provide clarification of the frequency and duration of the leave required.
- 4.10.3 Where leave is taken because of the birth, placement of a child for adoption or foster care, the county has the discretion to allow the use of intermittent leave or a part time schedule. The County may consider the impact to its business/operational needs when determining whether or not it can accommodate such a schedule.
- 4.10.4 A pattern of excessive leave outside the health care providers stated frequency and duration may require a re-certification from the health care provider.

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4.10.5 Timely Certification

- A. When an employee's leave is foreseeable and at least thirty (30) day notice has been provided to the County, the employee must provide the medical certification before the leave begins. If this is not possible, the employee must provide the requested certification to the County within fifteen (15) calendar days after the employer's request, unless it is not practical under the particular circumstances to do so despite the employee's diligent, good faith efforts.

4.10.6 Consequences for Failure to Provide an Adequate or Timely Certification

- A. If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to correct any such deficiency.
- B. However, if an employee fails to provide a medical certification within the time frame identified by this policy, the County may deny the leave or delay the granting of FMLA/CFRA leave until the required certification is provided, unless there is sufficient reason for the delay.

4.10.7 Second Opinion

- A. The County may require a medical opinion of a second health care provider chosen and paid for by the County, but who is not employed by the County. If the second opinion is different from the first, the County has the option to consult a third provider jointly approved by the County and the employee, but paid for by the County. The opinion of the third provider shall be binding on both the County and the employee.

4.11.0 RELATIONSHIPS WITH OTHER LEAVES

4.11.1 FMLA and CFRA run concurrently except for pregnancy disability.

4.11.2 Pregnancy Disability Leave (PDL). Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth or related medical conditions, the employee is eligible to take a Pregnancy Disability Leave (PDL). This leave is for any period of actual disability caused by pregnancy, childbirth or related medical conditions up to seventeen (17) and one third (1/3) weeks per pregnancy.

- A. To be eligible for Pregnancy Disability Leave (PDL), the employee must:

1. Have medical certification stating a serious health condition exists due to pregnancy and the employee is unable to perform any one or more of the essential functions of the job or to perform these functions without undue risk to herself, the successful completion of her pregnancy, or to other persons.

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- B. There is no length of service requirement before an employee disabled by pregnancy is entitled to a pregnancy disability leave provided she is otherwise eligible to take such leave.
- C. Employees who qualify for and take pregnancy disability leave are eligible for up to seventeen (17) and one third (1/3) weeks of leave.
- D. While on leave under PDL, employees will continue to be covered by the County's group medical, dental, vision and life insurance plans to the same extent that coverage is provided while the employee is on the job. PDL runs concurrently with FMLA (if eligible)
- E. Employee must continue to make any normal contribution to the cost of the health insurance premiums.
- F. Employees must use available sick leave and other accrued leave balances while on PDL.

4.12.0 BENEFITS PROGRAMS

4.12.1 State Disability Insurance (SDI)

- A. SDI is a partial wage replacement insurance benefit for employees funded through employee payroll deductions and administered by California's Employment Development Department (EDD). It is not an entitlement to a leave of absence. This program provides short term benefits to eligible employees who suffer a loss of wages when they are unable to work due to a non-work related illness or injury or when they are medically disabled due to pregnancy or childbirth.

4.12.2 Paid Family Leave (PFL)

- A. PFL is a partial wage replacement insurance benefit for employees funded through employee payroll deductions and administered by California's Employment Development Department (EDD). It is not an entitlement to a leave of absence. This program provides short term benefits to eligible employees who suffer a loss who need to take time off work to care for a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner, or to bond with a new foster/adopted minor child. It is not an entitlement to leave.

4.12.3 Workers Compensation

- A. If an employee is injured on the job, and the injury or illness also qualifies as a "serious health condition" the employee will qualify for both worker's compensation benefits and FMLA/CFRA leave. California Labor Code 4850 and FMLA/CFRA do not run concurrently.

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4.13.0 NOTICE OF LEAVE

- 4.13.1 The County recognizes that emergencies arise which may cause employees to request immediate leave. Employees are required to provide at least thirty (30) days' notice if leave is foreseeable or give notice as soon as possible or practical under the circumstances. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be given verbally or in writing.
- 4.13.2 An employee is not required to invoke FMLA/CFRA by name to satisfy the notice obligation, but must provide sufficient information to his/her supervisor for the County to reasonably determine whether FMLA/CFRA may apply to the leave request.

4.14.0 RETURN FROM LEAVE

4.14.1 Right to Reinstatement

- A. Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. An employee has no greater rights to reinstatement, benefits and other conditions of employment, than if the employee had been continuously employed during the FMLA/CFRA period.

4.14.2 Employee's Obligation to Periodically Report on His/Her Condition

- A. An employee may be required to periodically report on his/her status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return to work.

4.14.3 Return to Work

- A. As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a return to work certification from the health care provider stating that the employee is able to resume work with or without restrictions, no later than two (2) workdays prior to the date he/she intends to report to work. Failure to provide such certification will result in denial of reinstatement.
- B. If the employee has work restrictions he/she must submit the medical certification to his/her supervisor in advance of the anticipated return to work date to consider a possible accommodation(s), if any. Failure to provide such certification will result in

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the employee not being able to return to work by the expected date indicated in the medical certification.

4.14.4 Reinstatement of “Key Employees”

- A. The County may deny reinstatement to a “key” employee (i.e., an employee who is among the highest paid ten percent (10%) of all employed by the County) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the County and the employee is notified of the County’s intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

4.15.0 REQUIRED FORMS

4.15.1 Employees must provide the following forms in connection with leave under this policy:

- A. Leave of Absence Request form. (NOTE: Employee will receive a response to his/her request which will set forth certain conditions of the leave.)
- B. Certification of Health Care Provider form for the employee’s own serious health condition or the serious health condition of a family member.
- C. Birth certificate, agreement for placement of a child or a judicial determination of the necessity for placement may be required for items qualifying under 4.4.1.A and B.
- D. Copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member’s family or a Veterans Affairs Service-Related Disability Rating (VASRD) determination or enrollment documentation from the Veteran Affairs (VA) Program of Comprehensive Assistance for Family Caregivers to certify that the veteran has a serious injury or illness may be required for items qualifying under 4.4.1.E and F. Additionally, the employee may still be required to provide confirmation of family relationship and documentation of discharge date and status for a complete certification.

4.16.0 PROCEDURES FOR REQUESTING FAMILY MEDICAL LEAVE OR PREGNANCY DISABILITY LEAVE

- A. The employee must complete and submit to his/her supervisor the Leave of Absence Request form at least thirty (30) days in advance of leave, if possible. The form may be obtained from the employee’s supervisor or online at <http://webstart/forms/admin.asp> within the County Administrative Manual on the intranet.

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- B. The employee must also submit a medical certification to his/her supervisor to support the request.
- C. The supervisor/manager must sign and date the request form, and forward to departmental payroll clerk.
- D. The departmental payroll clerk must complete the payroll section, make a copy of the documents and forwards the documents HR-Risk Management or back to the supervisor or employee, as applicable.
- E. Human Resources will then process the requested leave. A letter will then be sent to the employee and payroll clerk approving or denying the request.

4.17.0 ROLES AND RESPONSIBILITIES

4.17.1 Employee:

- A. In order for Human Resources to determine whether an absence qualifies as FMLA/CFRA/PDL leave, an employee must submit required information as indicated in Section 4.14 and 4.15 above, otherwise FMLA/CFRA/PDL may be denied.
- B. While on Intermittent FMLA/CFRA it is the employee's responsibility to inform his/her supervisor or designated individual in his/her unit or department, which of his/her absences are related to the FMLA/CFRA qualifying event. He/She may not use intermittent FMLA/CFRA leave for any absence other than those related to the specific qualifying event. If he/she does not inform the appropriate individual that an absence is because of his/her FMLA/CFRA qualifying event, the County may be unable to determine/designate the absence as FMLA/CFRA leave, and such absence may not be regarded as FMLA/CFRA/PDL.
- C. If an employee needs to extend his/her FMLA/CFRA/PDL past the current approved period or remain off work after exhausting his/her twelve (12) weeks of FMLA/CFRA or 17 1/3 weeks of PDL entitlement, he/she must submit a new medical certification along with a Leave of Absence Request form to his/her supervisor no later than one (1) week prior to the expiration of the approved FMLA/CFRA/PDL period. Failure to submit the requested documents may result in an employee being absent without approved leave.
- D. An employee will be required to use his/her available leave accruals during his/her approved FMLA/CFRA leave, except as may be provided in Section 4.7.0, Substitution of Accrued Leaves, when he/she exhausts his/her leave accruals, he/she will be on leave without pay.

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- E. An employee will be required to confirm with his/her supervisor his/her intent to return to work at the expiration of the leave as provided in the medical certification and in accordance with Section 4.13.3.
- F. If the circumstances of an employee's leave change and he/she is able to return to work earlier than the date indicated on the approval notification, he/she will be required to:
 - 1. Whenever possible, notify the supervisor at least two (2) workdays prior to the date he/she intends to report for work, and
 - 2. Submit a medical note releasing to return to duty with or without restrictions.
- G. An employee is required to make his/her share of the premium payments on his/her health insurance to maintain health benefits while he/she is on FMLA/CFRA/PDL leave. He/She has a minimum thirty (30) day grace period in which to make premium payments. If payment is not made timely, his/her group health insurance may be cancelled, provided the County notifies him/her in writing at least fifteen (15) days before the date that his/her health coverage will lapse, or, at the County's option pay his/her share of the premiums during FMLA/CFRA/PDL leave, and recover these payments from him/her upon his/her return to work.

4.17.2 Supervisor/Manager:

- A. Ensure employee completes the Leave of Absence Request form and submits it to the departmental payroll clerk. The supervisor may initiate and complete the form on behalf of the employee, once a supervisor has knowledge that employee may need a leave of absence because of a serious health condition for the employee or a family member.
- B. Complete the Leave of Absence Request form and submit it to the departmental payroll clerk to be submitted to Risk Management, if an employee is out more than three (3) full consecutive days.
- C. Verify, if absence is related to FMLA, and keep track of the hours used while employee is on intermittent FMLA.
- D. Request the employee provide a new medical certification, if an employee is on intermittent FMLA, and his/her absences exceed the approved time off as indicated in the medical certification. Once the new medical certification is received, supervisor shall forward it to Risk Management.
- E. Notify the Departmental Payroll Clerk and Risk Management immediately upon employee returning to work from his/her leave of absence.

**C-4 FAMILY AND MEDICAL
LEAVE POLICY**



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- F. Notify the Departmental Payroll Clerk and Risk Management if an employee submits a new medical certification and provide a copy of it to Risk Management upon receipt.
- G. Verify time code entries in Intellitime accurately reflect the type of leave and appropriate leave accrual, if any, and submit prior pay period adjustments as applicable.
- H. Contact the employee if the employee did not return to work at the end of the leave period, and request a new medical certification for absences past the last day of the approved leave.

4.18.0 AMENDMENTS

- A. The Director of Human Resources, with concurrence of the County Administrator, is authorized to make periodic amendments to this policy as is deemed appropriate to reflect current law and practices.