

WALLACE COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

5.0

FAMILY AND MEDICAL LEAVE ACT

5.1 Statement of Intent

Wallace County intends to fully comply with the provisions of the Family and Medical Leave Act of 1993.

5.2 Statement of Policy

For informational purposes only, the following is an abbreviated summary of the major provisions of the Act.

5.3 Statement of Procedure

A. An eligible employee is permitted to take up to twelve (12) weeks of unpaid leave during a calendar year for one (1) or more of the following:

- 1.** Because of the birth of, and to care for a child;
- 2.** Because of the placement of a child with the employee for adoption or foster care;
- 3.** To care for a spouse, child or parent with a serious health condition; or
- 4.** Because a serious health condition makes the employee unable to perform the functions of his/her position.

An employee is one who has been employed by Wallace County for at least twelve (12) months and has performed at least one thousand two hundred fifty (1,250) hours of service during the previous twelve- (12) month period.

If an employee has accumulated sick leave benefits and is permitted to use said sick leave, under the terms of the sick leave policy, the employee must first substitute the accrued sick leave benefits for part of the twelve- (12) weeks. Furthermore, if an employee has accumulated vacation benefits, the employee must substitute accrued vacation leave for the part of the twelve- (12) weeks.

B. An employee requesting leave because of a serious health condition is required to provide certification for the health care provider stating:

- 1.** The date on which the serious health condition commenced.
- 2.** The probable duration of the health condition.
- 3.** The appropriate medical facts regarding the condition; and

4. A statement that the employee is needed to care for the family member, and an estimate of the amount of time that the employee is needed for such care; or a statement that the employee is unable to perform the functions of his/her position because of the health condition.

The employee may, at his/her option, require and pay for the opinion of a second health care provider. The Act also contains provisions for obtaining a third opinion.

- C. An employee requesting leave must give thirty (30) day notice to the employer where practical and possible to do so.
- D. Wallace County's contribution toward the health insurance premium will continue for the duration of the FMLA leave, up to a maximum of twelve (12) weeks. The employee is responsible for paying his/her share, if any, of the health insurance premium in a timely manner while on unpaid leave. The employee may elect to increase payroll deduction contributions in an amount sufficient to prepay the amount of the health insurance premium to continue coverage during the period of leave or the employee may continue to pay the amount of the health insurance premium on a monthly basis.

The health insurance premium is due by the 1st day of each month, but no later than thirty (30) days after the due date. Failure to pay the required amount by the date due will result in termination of the group health insurance coverage. If the employee fails to return to work on the regular basis at the conclusion of FMLA leave, for reasons other than a serious condition or other reason beyond the employee's control, then the employee will be responsible for reimbursing Wallace County for the health insurance premium.

- E. An employee who takes leave under the Act will, upon timely return, in accordance with the Act, be restored to either the same or an equivalent position as that employee would hold if FMLA leave had not been taken, with resumption of equivalent employment benefits, pay and other terms and conditions.