



<b>Policy Title</b> Family and Medical Leave Act		
<b>Control Number</b> HR035	<b>Policy Date</b> 12/06/10	<b>Revision Date</b> 06/07/21

### **Purpose**

Summary of federal act, *The Family and Medical Leave Act (FMLA)*

### **Scope**

All regular full time, budgeted thirty-two (32) hour employees, and part time employees meeting eligibility requirements

### **General Statement**

Eligible employees of Scotland County are entitled to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period. This leave is for specified family and medical reasons, or for any qualifying exigency arising out of a covered military member's active duty. FMLA also allows eligible employees to take up to 26 workweeks of job-protected leave in a twelve (12) month period to care for a covered service member with a serious injury or illness.

### **Eligibility**

Employees who have been employed for at least twelve (12) months and who have worked at least 1250 hours during the previous twelve (12) month period.

Temporary employees are excluded unless the appointment is extended beyond one (1) year and the employee has worked at least 1250 hours during the previous twelve-month period.

### **FMLA Qualifying Events**

Events eligible for twelve (12) weeks:

- birth of a child and care after birth
- care of a child placed for adoption or foster care
- care for the employee's child, spouse, or parent with a serious health condition
- employee's own serious health condition
- qualifying exigencies of employee's spouse, child or parent on, or called to, active duty

Events eligible for twenty-six (26) weeks:

- care for the employee's spouse, child, parent or next of kin, who is a service member with a serious injury of illness

### **Limitations**

Spouses who are both employed by the County are limited to a combined total of twelve (12) weeks for the birth/care of a child or for placement of a child for adoption/foster care or care for a parent's serious health condition; and limited to a combined total of twenty-six (26) weeks for the care of a covered service member who has a serious injury or illness.

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Parents-in-law are excluded.

**Intermittent FMLA**

In some circumstances, an employee may take FMLA leave intermittently or on a reduced schedule to care for the employee’s spouse, child, or parent with a FMLA qualifying event.

The County reserves the right to temporarily transfer the employee to an equivalent available position to better accommodate recurring periods of leave and reduce disruption to County business

**Exception**

The employee may not take intermittent leave or a reduced work schedule for birth/care of a child or placement for adoption/foster care.

**Leave During FMLA**

All available accrued paid leave will be applied to the employee’s FMLA leave based on the applicable leave policies.

Leave will continue to accrue during the FMLA leave period based on the accrual criteria of each leave policy.

**Benefits During FMLA**

The County will maintain elected coverage for the employee under the County’s group health plan. The employee is responsible to pay any co-shared premium during the FMLA leave. If the employee decides not to return to work at the end of the FMLA leave period, the County has the right to seek reimbursement for the County’s paid portion of the health insurance premium.

All other voluntary elected benefits will continue while the FMLA leave is in paid status. Should the FMLA leave reach Leave Without Pay status, the employee must either terminate the voluntary benefits, or directly pay those premium costs to Scotland County in order to continue voluntary coverages.

**Job Restoration**

When an employee returns from FMLA leave, the employee must be restored to the same job or to an "equivalent job". The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions (including shift and location).



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## Notification Process

### Initial Notification of Leave

If leave is foreseeable, the employee must give a thirty (30) day notice. If the advance notice is not possible due to the situation, the employee must give notice as soon as possible or practical. If notice is made to the supervisor or manager, the supervisor/manager must inform Human Resources immediately.

### Notice of Eligibility

Once Human Resources receives the notification of the leave, a Notice of Eligibility must be sent to the employee within 5 business days. This notice will indicate the type of support document(s) required and due date in order to certify the leave.

### Certification

The employee will have fifteen (15) calendar days to return the requested documentation. If the County determines the certification incomplete or insufficient, the County must specify in writing within five (5) business days what information is lacking, and give the employee seven (7) calendar days to correct.

### Designation Notice

Once Human Resources receives the required documents, a Designation Notice will be issued to the employee within five (5) business days. This notice will confirm if the event qualifies for FMLA leave, specify the required use of accrued paid leave, and provide the amount of time counted toward FMLA.

## Additional Information

For more information regarding the Family and Medical Leave Act, refer to the US Department of Labor, FMLA Fact Sheets.

<https://www.dol.gov/agencies/whd/fmla/factsheets>

## Reference

Replaces: Personnel Policy dated, June 5, 2006  
Article IV, Leaves of Absence, Section 9. Family Medical Leave and Act Policy  
Amended December 6, 2010