

**ANTRIM COUNTY
FAMILY AND MEDICAL LEAVE POLICY**

Adopted: March 7, 2019

Replaces: Policy dated September 13, 2018

Antrim County will provide leave time consistent with 29 CFR Part 825 - Family and Medical Leave of 1993 (FMLA) to its eligible employees. Under this policy, Antrim County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in union contracts.

General Provisions of Policy

To be eligible to take FMLA leave, the employee must meet all of the following conditions:

The employee must have worked for the Antrim County for 12 months or 52 weeks and have worked on the job at least 1,250 hours during the twelve (12) months prior to the FMLA leave request. The 12 months or 52 weeks need not have been consecutive. Service time may be aggregated when the break in service is less than seven (7) years for military obligation or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the break in employment.

The 1,250 hours do not include paid or unpaid leave. Consequently, approved leave is not counted in determining the 1,250 hours eligibility test. The twelve (12) month period for determining hours worked on the job and use of leave is defined as a rolling twelve (12) month period measured backward from the date the staff member requests to use FMLA leave. For Service Member FMLA leave, the use of the twenty-six (26) weeks of leave will be measured forward from the first date on which the employee takes leave.

Type of Leaves Covered

To qualify as FMLA leave, the leave must be for one of the reasons listed below:

- 1) The birth of a child and/or the care for that child within 12 months from the child's birth.
- 2) The placement of a child with the employee for adoption or foster care and to care for the newly placed child within 12 months from the child's arrival.
- 3) To care for a spouse, child or parent with a serious health condition, including incapacity due to pregnancy and for prenatal medical care.

4) A serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care.

5) Qualifying exigency leave arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to covered active duty status.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a. short-notice deployment; b. military events and activities; c. temporary child care and school activities necessitated by the military member's active duty or call to active duty status; d. financial and legal arrangements; e. counseling necessitated by the military member's active duty or call to active duty status; f. rest and recuperation, to spend time with a service member who is on a short-term, temporary rest and recuperation leave; g. post-deployment activities, and; h. additional activities that arise out of active duty or call to active duty status, provided that the employer and employee agree such leave shall qualify as an exigency, including agreement on timing and duration of the leave.

6) To care for a spouse, son, daughter, parent, or next of kin recovering from an injury or illness suffered while on active duty in the armed forces.

Covered active duty means:

for members of a Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or

for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation. 825.102.

Under the Military Caregiver Leave an employee may take up to 26 weeks in a single 12-month period to care for a covered service member.

Where spouses both work for Antrim County, leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for Antrim County and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

Requesting FMLA Leave

An employee requesting FMLA leave must provide Antrim County with a verbal or written notice of the need for the leave with at least 30 calendar days of advance notice whenever possible. If the need for the leave is not foreseeable, the employee must provide notice to his/her supervisor as soon as possible (within the same or next business day) and provide sufficient

information for the County to determine the reason for the leave and its anticipated duration. Failure to provide timely notice may result in denial of leave until notice is provided.

Antrim County will require medical certification if the leave is for the employee's own serious health condition or to care for a family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Antrim County will require certification of the qualifying exigency for military family leave. Failure to provide the requested certification in a timely manner may result in denial of the leave until it is provided.

Antrim County may directly contact the employee's health care provider for verification or clarification of an FMLA Certification, or require and verify a certification related to a qualifying exigency prior to approving the leave or may require a certification for serious injury or illness of covered service member.

Antrim County may at its expense, secure a second opinion from a doctor the County will select. If there is disagreement between health care professionals, the County will require the opinion of a third doctor. Antrim County will pay for a third, mutually agreed upon health care professional to conduct an examination and provide a final and binding opinion.

Employee Status and Benefits During Leave

While an employee is on FMLA leave, Antrim County will continue the employee's health, dental, life and short-term disability benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

If the employee chooses not to return to work at the end of the FMLA leave, or leaves employment within 30 calendar days of the end of the FMLA leave Antrim County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the FMLA leave.

The employee shall be required to substitute his/her earned or accrued paid vacation leave and personal days (per the applicable collective bargaining agreement) for unpaid FMLA leave. If the employee has not earned or accrued adequate paid leave to cover the entire twelve (12) or twenty-six (26) week period of FMLA leave, the balance of leave shall be unpaid. Whenever an employee uses paid leave for a qualifying event, FMLA leave will be designated. An employee must exhaust all paid time available prior to being eligible for unpaid leave. Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Returning After Leave

An employee who takes leave under this Policy must provide a fitness for duty (FFD) clearance from their health care provider before returning to work. This requirement will be included in the employer's response to the FMLA request. The County may require that the fitness for duty opinion specifically address the employee's ability to perform the essential functions of the employee's job. An employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Intermittent Leave or a Reduced Work Schedule

Antrim County may allow an employee to take FMLA leave intermittently (take leave periodically as needed over the year) or, under certain circumstances, ~~may~~ use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks or 26 workweeks to care for an injured or ill service member over a 12-month period. If the leave is unpaid, the County will adjust an employee's salary based on the amount of time actually worked.

Antrim County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced work schedule. An employee on an intermittent or reduced leave schedule shall work with his/her department head or elected official to the extent possible to arrange a schedule that best suits the need of the department. Leave resulting from the birth, adoption or foster care of a child must be taken in one continuous leave within one year of the birth or placement of the child.