

3.5(1): Family Medical Leave

This policy applies to all employees who have one (1) or more years of service and who have worked at least 1,250 hours in the twelve (12) months preceding the requested family medical leave.

POLICIES AND PROCEDURES

Adams County complies with the federal Family Medical Leave Act (FMLA) of 1993, as amended, and with the Colorado Family Care Act (FCA). If at any time the law and this policy conflict, the law governs employee's rights and eligibility.

The County provides up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; and
- Serious health conditions that make the employee unable to perform his or her job.

Military Family Leave Entitlements

Qualifying Exigency Leave. Eligible employees who have a spouse, son, daughter, or parent on covered active duty (or who has been notified of an impending call or order to active duty) in the Armed Forces, National Guard, or Reserves may use their twelve-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include:

- Attending certain military events.
- Arranging for alternative childcare.
- Addressing certain financial and legal arrangements.
- Attending certain counseling sessions.
- Attending post-deployment reintegration briefings.

3.5(1): Family Medical Leave (continued)

Military Caregiver Leave. An eligible employee may take up to 26 weeks of leave during any single twelve-month period to care for a covered service member. A covered service member is a current member of the Armed Forces, National Guard, or Reserves who has a serious injury or illness incurred or aggravated in the line of duty or while on active duty. A covered service member also includes veterans who were members of the Armed Forces, National Guard, or Reserves at any time during the period of five years preceding the start of treatment, recuperation, or therapy. A serious injury or illness is one that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Covered service members also include veterans who began treatment, recuperation, or therapy for a serious injury or illness within five (5) years after leaving the service. The serious injury or illness may have manifested before or after the individual became a veteran.

Family Care Act

Adams County provides up to twelve (12) weeks of unpaid leave to eligible employees to care for their partners in a civil union or domestic partnership, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations.

Benefits & Protections

During FMLA, the County maintains the employee's health coverage under any group health plan on the same terms as if the employee had continued to work. They will also be retained on all enrolled Adams County benefit plans and the County contribution benefit allowance will continue. An employee on an unpaid leave must make arrangements with the People Services Department for payment of the employee's portion of the benefit premiums. Upon return from FMLA leave, most employees are restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of Leave & Employee Responsibilities

- The maximum time allowed for FMLA leave is either twelve (12) weeks in a rolling 12-month period, as defined by the County, or twenty-six (26) weeks as explained above under the heading Military Family Leave Entitlements. The County uses a twelve-month rolling period measured backward from the date an employee uses any FMLA leave.

3.5(1): Family Medical Leave (continued)

- An employee may take leave intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so not to unduly disrupt the County's operations. In such cases, the County may temporarily transfer the employee to an alternative job with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular job. Leave due to qualifying exigencies may also be taken on an intermittent basis.
- Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the County's normal call in procedures.
- Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
- Employees must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave. The County may require second and third medical opinions at the County's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Employees on leave should contact Human Resources at least two (2) days before his or her first day returning to work.
- Spouses working for the County are jointly entitled to a combined total of twelve (12) work weeks of family and medical leave for child birth, placement of a child for adoption or, foster care, and to care for a parent who has a serious health condition (or combined twenty-six (26) work weeks to care for a member of the armed services). This is calculated in a rolling twelve (12) month period measured backward.
- Leave for purposes of child birth, adoption of children, or placement of foster children in employees' homes must be taken within twelve (12) months of the event.
- Bereavement, County closure, and jury duty pay is not granted while on FMLA.

3.5(1): Family Medical Leave (continued)

Return to Work

Failure to return from leave within the approved time may be deemed a voluntary resignation.

Related Policies

- **Annual & Sick Leave Accruals.** Employees are required to use all accrued sick leave and annual leave while on family medical leave. Sick leave accruals must be exhausted before annual leave can be used. FMLA leave is leave without pay when paid leave accruals have been exhausted. Employees shall receive accruals for the pay period, if they have worked or were in an approved paid leave status for at least fifty percent (50%) of the pay period. If an employee is in unpaid status for more than fifty percent (50%) of the pay period, he or she shall not accrue annual or sick leave.
- **Workers Compensation.** Employees taking leave pursuant to the Workers' Compensation Leave Policy 3.3(1) are required to concurrently designate that leave as FMLA when the leave is taken for an FMLA qualifying serious health condition.