

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Johnson County provides unpaid family and/or medical leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA) of 1993.

Eligibility: Employees must have worked for the County for more than 12 months; and worked at least 1,250 hours for the County during the preceding 12-month period to be eligible.

Notice: Employees must give the County notice of the request for leave as soon as practicable, 30 days for foreseeable circumstances and no later than two business days from the time they first learn of the need for a leave in an unforeseeable circumstance. Family or Medical Leave Request forms are available from department heads/elected officials and Human Resources. FMLA requests must be completed for consecutive and/or intermittent absences of three weeks or more during a 12-month period* even if the employee has adequate paid leave to cover the absence. Ongoing FMLA qualifying medical conditions require recertification on an annual basis.

Qualifying Reasons for FMLA Leave: Eligible employees may take up to 12 weeks of FMLA leave during a 12-month period:

- for the birth and care of a newborn child;
- for the placement of a child with the employee for adoption or foster care;
- to care for a spouse, child or parent who has a "serious health condition"***
- in the event the employee is unable to perform the essential functions of their job due to their own "serious health condition;" or
- for "qualifying exigencies"*** arising out of the fact that the employee's spouse, child or parent is on active duty or call to active duty status in the National Guard and/or Reserves in support of a contingency operation and certain retired members of service.

Eligible employees may take up to 26 weeks of FMLA leave during a 12-month period:

- to care for a spouse, child, parent, or next of kin who is a current covered servicemember with a serious injury or illness.****

Employees are limited to a combined total of 26 workweeks of FMLA leave during a 12 month period.

Spouses employed by the County are jointly entitled to a combined total of 12 weeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. In the event of leave to care for a covered servicemember, spouses are jointly entitled to a combined total of 26 weeks.

Certification: The County requires medical certification from the treating health care provider for a personal or family "serious health condition." Certification of Health Care Provider forms are available from Human Resources. The County may also require a second or third medical opinion (at County expense) and periodic recertification. Upon returning to work, employees must provide the County a return to work release from their treating physician.

Certification will also be required for leave requested due to qualifying exigencies and to care for a servicemember.

Paid and Unpaid FMLA Leave: Paid FMLA leave will come from available paid time off accruals, primarily sick and/or vacation. Before unpaid leave is granted, employees are required to use available accrued sick leave in accordance with established sick leave policies including limitations on family occurrences and at least 50% of their available accrued vacation time as of the date of the leave. FMLA leave will be coordinated with workers' compensation and disability cases.

Job Restoration: Employees must maintain communication with their department head/elected official throughout the leave regarding their status and intent to return to work. The frequency of this communication will be specified by the County. Following the completion of the family or medical leave, employees will be returned to their former position or to an equivalent position with equivalent pay, benefits and working conditions.

Failure to Return to Work: Employees who fail to return to work following a qualified family or medical leave will be considered to have abandoned their positions. The County may recover premiums it paid to maintain health care coverage for an employee who fails to return to work from FMLA leave.

*12-month period is defined as the consecutive 12-month period prior to the onset of the leave, commonly referred to as the "look back" period.

**Serious health condition as defined by the Family and Medical Leave Act of 1993.

*** Qualifying exigencies may include attending certain military events, arranging alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

**** A servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active military duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Spouse for the purposes of Johnson County's FMLA policy is defined as a legal marriage as recognized by the state of Iowa.