

FAMILY CARE AND MEDICAL LEAVE ACTS OF 1993

Under new Federal and State law - the Federal Family & Medical Leave Act and State Family Care & Medical Leave Act (FMLA) - which are effective 2/5/94, employees in the Middle Management Representation Unit have new rights concerning certain leaves of absence for up to 12 weeks per calendar year. Employees are eligible for FMLA leave if they have worked for the County for at least one year and have a total of 1000 hours of a combination of time worked and paid leave within the 25 pay periods preceding the requested leave, provided, however, that the County will waive the 1000 hour requirement for those pay periods which comprise calendar (tax) year 1994.

REASONS FOR TAKING LEAVE:

Notwithstanding the provisions of Article 30, FMLA leave must be granted to eligible employees for any of the following reasons:

- for care for the employee's child after the birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, or domestic partner who has an affidavit on file with in the County Health Plan, who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job.

For employees in the Middle Management Representation Unit, all accrued compensatory time must be used prior to any leave of absence without pay. Any sick leave must be used prior to any leave of absence without pay for any employee's illness, injury or incapacity to work. Employees may elect to use accrued vacation in lieu of leave of absence without pay for the period of FMLA leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee must provide advance leave notice and medical certification. A leave may be denied if requirements are not met.

- The employee must ordinarily provide 30 days advance notice when the leave is foreseeable.
- Medical certification is required to support a request for leave because of a serious medical condition, and may require second or third opinions at the County's expense. A fitness for duty certification to return to work is required for leaves of four weeks or more, and may be required for leaves of less than four weeks.

Documentation will also be required for other FMLA leave (i.e., for care of employee's child after the birth, or placement for adoption or foster care).

JOB BENEFITS AND PROTECTION:

- For the duration of the FMLA leave the County must maintain the employee's insurance coverage under group health plans and make the same contributions as if the employee was continuously employed (i.e., in paid status) for the duration of the leave, notwithstanding the provisions of Article 23.7 of the Memorandum of Understanding. (For other---non-FMLA---leaves of absence without pay, the provisions of Article 23.7 with respect to employee and County contributions during a leave of absence without pay will apply.)
- Upon timely return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start the FMLA leave.

The provisions of FMLA do not limit the employee's right to request, and the County's right to approve or deny, other (non-FMLA) paid or unpaid leave.