



Division of Water and Waste FMLA Policy

Division of Water and Waste Policies and Work Rules Article 9.3 FMLA Leave Bargaining Unit Agreement AFSCME Local 1918.15 Article 12 Section 10

Family and Medical Leave Act (FMLA)

A. Eligibility: Employees who have a minimum of one (1) year's seniority and have worked a minimum of one thousand two hundred and fifty (1,250) hours during the preceding twelve (12) month period are eligible for a Family and Medical Leave Act (FMLA) leave in accordance with existing federal statutory provisions for the following reasons:

1. The birth of the Employee's child and in order to care for the child;
2. The placement of a child with the Employee for adoption or foster care;
3. To care for a spouse, child or parent who has a serious health condition; or
4. A serious health condition that renders the Employee incapable of performing the function of his or her job.
5. Leave Related to Military Service – connection with any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active military duty in the Armed Forces in support of a contingency operation. Employees may take up to 12 weeks of leave in a 12 month period for this type of leave.
6. To Care for an Injured or Ill Service Member – Leave is available to an eligible employee whose spouse, son, daughter, parent or next-of-kin is recovering from a serious injury or illness sustained while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Unlike the other types of leave available under the FMLA, an employee may take up to 26 weeks in a 12 month period for this type of leave.

NOTE: If the employee and his or her spouse are both employed by the Division and both take FMLA leave, the spouses' combined leave cannot exceed 12 weeks during any 12-month period if the leave is taken for the birth of a child, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition. However, spouses may each take up to 12 weeks of leave to care for a newborn child with a serious health condition even if both are employed by the Division.

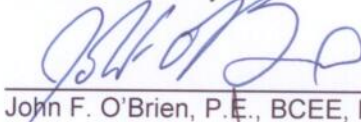
B. Duration of Leave: Employees meeting the eligibility requirements will be granted up to a total of twelve (12) weeks of unpaid FMLA leave and paid personal and vacation time combined during any "12-month period." Employees will be required to exhaust accumulated personal and vacation time balances prior to beginning unpaid FMLA leave but will be permitted to retain an amount of accumulated vacation time equivalent to 40 hours however all personal time shall be exhausted. The amount of leave available to the employee will be determined on a "rolling" 12-month period, measured backward from the date the employee's leave is to begin. Any leave that qualifies as a FMLA leave, according to federal statute, may be counted against an employee's 12-week-leave, whether paid or unpaid provided the employer gives proper notice as outlined in federal guidelines.

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Leave taken because of a birth or placement of a child for adoption or foster care may be taken intermittently or on a reduced leave schedule only if mutually agreed upon by the Employee and the Employer. Leave taken to care for a sick child, spouse, or parent or for an Employee's own serious health condition or covered service member may be taken intermittently or on a reduced schedule when medically

necessary, as evidenced by medical certification. Intermittent Leave will be counted first in one hour increments and then half (.5) hour increments.

- C. **Medical Certification of Leave:** An application for FMLA leave based on a serious health condition of the Employee's spouse, child, or parent, must also be accompanied by a medical certification statement, completed by the applicable health care provider within 15 calendar days of application. If needed, the employee may request up to two (2) extensions of three (3) days per extension to submit such documentation. For employees requesting leave related to Military Service employee must provide proof of the qualifying family member's call-up or active military service. This documentation may include a copy of the military orders or other official communications. For Employees who are covered by the Employer's sick/accident insurance, the completed sick leave forms shall serve as the medical leave forms, which shall serve as the medical certification statement. For an Employee out on Workers Compensation lost time, the physicians' report shall serve as the medical certification statement. The completed medical certification statement must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the Employee is needed to care for a spouse, child, or parent, the medical certification statement must so state, along with an estimate of the amount of time the Employee will be needed. If the Employee has a serious health condition, the medical certification statement must document that the Employee cannot perform the functions of his/her job.
- D. **Group Health Benefits Coverage during Leave:** During a period of FMLA leave, an Employee will be retained on their current group health plans (life, dental, optical, and hospital medical insurances) under the same conditions that applied before the leave commenced.
- E. **Restoration to Employment and Seniority Accumulation:** An Employee returning from FMLA leave will be restored to his/her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment. When an employee is on intermittent or reduced schedule leave caused by foreseeable medical treatment, the Employer may temporarily transfer an employee to an equivalent hourly paid position with equal benefits that will be better accommodate the Employer's needs and the Employee's need for recurring periods of leave. The Employer will first attempt to place them at their facility but if no opening exists the Employer will place them at another facility within the Division. Upon discontinuation of intermittent or reduced schedule leave, the employee will then transfer back to the position/shift from which they were transferred. An Employee is not entitled to the accrual of any seniority or employment benefits (vacation time, personal days, or holidays) that would have accrued if not for the taking of FMLA leave, with the exception that an Employee who takes FMLA leave will not lose seniority for the first thirty (30) calendar days of said FMLA leave. Any Employee who takes FMLA leave will not lose any seniority or employment benefits that accrued before the date the leave began. Employees on such leave will also accumulate retirement credit if the employee submits both the Employer and employee contributions for the duration of time the employee is off. The Employee will need to make application with the Retirement office for the contribution amount and conditions of repayment.

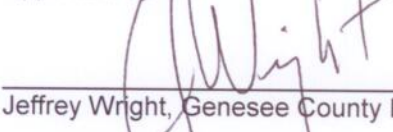
Recommended by:



John F. O'Brien, P.E., BCEE, Director

Dated: 12-19, 2013

Approved by:



Jeffrey Wright, Genesee County Drain Commissioner

Dated: 12.19, 2013

This policy will take effect on January 1, 2014.