



Family and Medical Leave Act

Board Approval: *R M Kelly, Chairman*

Date: 4/26/16

The Agency's family and medical leave policy (FMLA) is available to employees with at least twelve (12) months of service and who have worked at least 1,250 hours within the preceding 12-month period. If eligible, an employee may be able to take up to 12 weeks of unpaid leave during the calendar year (based on a 12-month rolling calendar) for the following reasons:

- The birth of a child or to care for a child within the first 12 months after birth;
- The placement of a child with the employee for adoption or foster care within the first 12 months of placement;
- To care for an immediate family member who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the functions of his/her position.

When requesting leave, the employee must provide the Director with at least 30 days of advance notice whenever possible. Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided. Because the agency wishes to ensure the well-being of all employees, any employees returning from FMLA for his/her own serious health condition will need to provide a Fitness for Duty statement signed by his/her treating physician. An employee failing to provide a Fitness for Duty statement will not be permitted to resume work until it is provided. Qualifying FMLA leave will not be counted as an absence under the agency's attendance policy.

The agency, at its expense, may require an examination by a second health care provider designated by the JCESA if the agency has a reasonable question regarding the medical certification provided by the employee.

The JCESA will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying the normal monthly contribution. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the agency for the cost of premiums paid for maintaining coverage during the leave period within thirty days after separation from the Agency. All other benefits cease to accrue during the unpaid portion of the leave.

Employees must use any accumulated medical, personal, flex and compensatory leave, or to the extent available during this leave period, unless such leave is covered under Workers' Compensation, in which case the employee may only use accumulated leave time for the purpose of satisfying any waiting period. Absences in excess of these accumulated days



will be treated as leave without pay. Upon return from leave, the employee will be restored to his/her original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the organization.

If the employee and his/her spouse both work for the JCESA, they are both eligible for leave. In cases other than the employee's own serious health condition, the total leave period for the employee and the employee spouse may be limited to twelve (12) weeks total (combined).

It may be medically necessary for some employees to use intermittent FMLA leave. The Agency will attempt to work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition. Leave because of the birth or adoption of a child must be completed within the 12-month period beginning on the date of birth or placement of the child. It may not be taken intermittently without special permission from the Director.

If an employee requests an extension of leave beyond the twelve (12) week period because of his/her own serious medical condition, the employee must submit medical certification of a continued serious health condition in advance of the request. The Board will review such requests on a case-by-case basis in order to determine whether it can reasonably accommodate such a request. Reinstatement is not guaranteed when granted extended leave and will depend upon the operational needs of the JCESA.

When state and local laws offer more protection or benefits, the protection or benefits provided by those laws will apply.