

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 5.19

FAMILY AND MEDICAL LEAVE

The Trumbull County Board of Developmental Disabilities shall comply with Public Law 103-3, Family and Medical Leave Act of 1993, to provide family and medical leave as specified in the legislation. Eligible employees shall be provided up to twelve (12) weeks of unpaid leave each year in connection with specific qualifying events, and up to 26 weeks of leave to care for a covered service member during a single 12-month period. Employees shall be provided employment in an equivalent position with equivalent conditions of employment upon the return from family or medical leave. The Board shall maintain records of the utilization of family or medical leave in compliance with requirements of the Department of Labor.

Basic Leave Entitlement:

In order for family and medical leave to be made available, one of the following “qualifying events” must occur:

1. The birth and first year care of the employee’s child.
2. The placement of a child with the employee for adoption or foster care.
3. A serious health condition of an employee’s spouse, child or parent.
4. A serious health condition that makes the employee unable to perform the functions of their position.

Military Family Leave Entitlements:

1. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or reserves in support of a contingency operation may use their 12 weeks of leave to address qualifying exigencies.
2. Special leave entitlement permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period.

Entitlement for child care ends after the child reaches age one (1) year or twelve (12) months after the date of adoption or foster placement. The child care entitlement applies to step-parents acting “in loco parentis” as well as to biological and adoptive parents.

Qualified Employee:

A Board employee must meet both of the following criteria to be a “qualified employee” eligible for family and medical leave under public law 103-3:

1. An employee must have been employed by the Board for more than twelve (12) months of active service, generally within the 7 years prior to the start date of the leave.
2. An employee must have worked more than 1250 hours in the previous twelve (12) months.

An employee who receives a salary among the top ten (10) percent of the Board's workforce may be exempt if certain test criteria are met.

Coverage Period:

During a single 12-month period, a qualified employee is entitled to take up to a total twelve (12) weeks of unpaid leave for certain qualifying events and up to 26 weeks to care for a covered service member.

Events 1 or 2 designated as a "basic leave entitlement" shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the Board agree otherwise.

Leave taken under qualifying events 3 or 4 designated as "basic leave entitlement" may be taken intermittently or on a reduced leave schedule when medically necessary. Military family leave may also be taken intermittently or on a reduced leave schedule. If an employee requests intermittent leave or leave on a reduced leave schedule, the Board may require such employee to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee. Upon return to work from such leave, the employee shall be returned to his former position, or an equivalent position.

Restrictions:

Qualified employees do not accrue seniority or benefits, other than health care benefits during the time of family or medical leave unless they are on an approved paid leave of absence such as sick leave or vacation leave. If both husband and wife are employed by the Board and qualify during a period for family or medical leave, the combined amount of leave for both persons for birth, adoption, foster placement, employee's parent with a serious health condition, or to care for a covered service member shall be limited to up to 26 weeks. Leave for personal illness or to care for a sick child or spouse shall not be limited to the combined standard amount of twelve (12) weeks in the case of spouses being employed by the board.

Benefits:

Qualified employees who take family or medical leave under this provision are entitled to the continuation of health care benefits during the period of family or medical leave not to exceed a total of 26 weeks of unpaid leave per year. The Board will continue to pay the Board's share of the health insurance premium for up to 26 weeks. The Board is entitled to recover the premium paid by the Board for maintaining health insurance coverage for the employee if the employee fails to return after the expiration of the family or medical leave to which the employee is entitled under this act for a reason other than (1) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under Qualifying Events 3 and 4 designated as "basic leave entitlement" or a serious injury or illness of a covered service member; or (2) other circumstances beyond the control of the employee.

Notifications and Time Frames:

1. The qualified employee shall give the Board at least thirty (30) days' notice of the date family or medical leave is to begin when possible. In the case of adoption or

an unexpected birth or placement, the employee shall provide as much notice as possible. In instances of serious health conditions of a family member or of the employee himself, the employee must make a reasonable effort to schedule the treatment so as to not disrupt unduly the Board's operations subject to the approval of the appropriate healthcare provider.

2. The qualified employee shall provide the Board with appropriate certification on the employer's designated form for various specified leaves.
3. Upon return to work, for their own certified serious health conditions, the qualified employee shall provide the Board with certified information from their health care provider of his/her ability to resume work and of his/he ability to perform the essential functions of his/he job. If state or local law requires that a public health official examine an employee as a condition for returning to work, the employee must fulfill this obligation.

The Board may, at its expense, request a second or third opinion from a health care provider.

Record Keeping:

The Board shall make and preserve records pertaining to compliance with the Family and Medical Leave Act in accordance with the Fair Labor Standards Act (29 USCS 211 (c)) and with regulations issued by the Secretary of Labor. This includes the preservation of employee records, information and data for at least three years from the date of the last entry.

Coordination of Benefits:

The provision of FMLA leave benefits is "combined" with all other forms of paid and unpaid family and medical leave. A total of twelve (12) weeks of paid and unpaid leave is allowed for certain events during a single twelve (12) month period, while up to 26 weeks of paid and unpaid leave is allowed to care for a covered service member during a single 12-month period.

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