



PERSONNEL RULES AND REGULATIONS

RULE 12: <i>Types of Leave</i>	EFFECTIVE: <i>January 1, 2015</i>
REGULATION 8: <i>Family and Medical Leave Procedures</i>	Pages: <i>1 of 2</i>

Section 1: Introduction

Sarpy County provides Family and Medical Leave in accordance with the Family and Medical Leave Act (FMLA). **For specific details refer to the *Family and Medical Leave Policy Bulletin*.**

The following Provisions apply to eligible employees. These Provisions provide information regarding the applicability of the PRR as they pertain to FMLA or restate portions of the FMLA Policy Bulletin for emphasis.

Section 2: Provisions

- A. When a FMLA qualifying event is anticipated, employees shall give verbal notice to their Department Head as far in advance as possible.
- B. Employees requesting FMLA must complete an *Application for Family and Medical Leave Form* and submit it to the Human Resources Department no later than 30 days prior to the date on which the leave will commence or as soon as practical if leave is immediate or unforeseen. The application must state the reason for the leave and the starting and ending dates, if known.
- C. Upon receipt of the application, the Human Resources Department shall provide employees, their *Notice of Eligibility and Rights and Responsibilities Form* along with the appropriate *Health Care Provider Certification Form* within five (5) business days.
- D. Employees must return to the Human Resources Department certification forms within 15 calendar days of their receipt. If the certification form is not received by the Human Resources Department within the 15 calendar days, FMLA will be denied until certification is provided.
- E. Whenever the Human Resources Department receives enough information to determine that an absence is for a FMLA qualifying reason (i.e., after receiving the completed certification, a doctor's note, notification of an inpatient stay in the hospital), they shall complete and provide to the employee a *Designation Notice Form* within five (5) business days.
- F. The Human Resources Department may contact the health care provider to authenticate or clarify the certification of a serious health condition. Under no circumstance shall the employee's direct supervisor have contact with the health care provider as stipulated by FMLA.



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- G. Employees on qualified FMLA shall be required to substitute accrued paid leave in the following order: Sick Leave, Vacation Leave, and then Compensatory Time and such leave shall be used and paid in accordance with *Rule 12: Types of Leave*.
- H. Employees who exhaust all accrued paid leaves shall be unpaid for the remaining period of their FMLA.
- I. Employees may apply for Donated Leave as outlined in *Rule 12: Types of Leave, Regulation 4: Illness Leave Donation Program*. Donated leave will run concurrently with approved FMLA.
- J. A request for FMLA is subject to the approval of the Human Resources Director. Approval is based upon compliance with the FMLA and its regulations.
- K. Upon return from leave for a personal serious health condition, employees must present a *Fitness for Duty to Return Form* from their health care provider. Their return to work will be delayed until such certificate is submitted.
- L. Employees who return to work within their 12 weeks of FMLA will be reinstated to their former position or an equivalent position, as stipulated by FMLA.
- M. Employees failing to report to work following FMLA shall be subject to *Rule 6: General Terms and Conditions, Regulation 9: Attendance* and may be considered to have resigned.
- N. If at the expiration of FMLA, an employee is unable to perform the essential functions of the job due to his/her own serious health condition, reasonable accommodations may be made in accordance with the Americans with Disabilities Act (ADA), if applicable.
- O. All documentation related to an employee's, family member's, or covered servicemember's medical condition will be held in strict confidence and maintained in the employee's medical records file in the Human Resources Department.
- P. If employees request and are denied FMLA, employees may contact the Human Resources Director for clarification as to the denial or to obtain information on their rights and responsibilities under the FMLA.

Section 3: Prohibited Acts

It is unlawful for the County to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by FMLA. It is also unlawful for the County to discriminate or retaliate against employees for opposing any employment practice thought to be unlawful under FMLA, or for participating in any investigation or proceeding relating to any right provided under the FMLA.