

HUMAN RESOURCES DEPARTMENT

600 West Fourth Street
Davenport, Iowa 52801-1030

Ph: (563) 326-8767 Fax: (563) 328-3285
www.scottcountyiowa.com



Date: February 26, 2013
To: Dee F. Bruemmer, County Administrator
From: Mary J. Thee, Human Resources Director/Asst. County Administrator
Subject: Human Resources Policy Updates

I am recommending the following changes to the Administration Policies:

The suggested modifications to Human Resources Policy Y “Family Medical Leave” are updates to reflect changes recent guidance from the Department of Labor as it relates to FML for adult children. The policy modification defines the impact of the ADA on the potential for an employee whose adult child is or becomes disabled to qualify for FML.

Y. FAMILY MEDICAL LEAVE

GENERAL POLICY

It is the policy of Scott County to provide unpaid Family Medical Leave in accordance with the Family Medical Leave Act (FMLA) of 1993.

SCOPE

This policy applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a County elected office holder including the office holder and Deputies;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors have certified its applicability;

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

PROVISIONS

In accordance with the Family Medical Leave Act (FMLA), Scott County will grant up to 12 workweeks of unpaid leave annually, based on the previous rolling 12 month period. To be eligible for this leave, an employee must have worked for Scott County for one year and worked 1250 hours or more in the 12 months preceding the beginning of the leave.

Family Medical Leave will be granted for any one or more of the following reasons:

1. Employee's own serious health condition;
2. Birth, adoption or placement of a child;
3. Caring for a spouse, child (if over the age of 18 the employee must be actually providing care for the child, not providing

day care for grandchildren) or parent, with a serious health condition;

4. Qualifying exigencies arising out of the fact that the employee's spouse, child or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

ADMINISTRATIVE PROCEDURES

1. The employee must provide at least 30 days advance notice of a need to take FML leave when it is foreseeable. In the case of a birth, when the due date becomes known, the need is thereby foreseeable and notice should be provided. Elective surgeries are foreseeable and should be scheduled so as to provide 30 days notice, unless waived by the employer. When unforeseen events occur that require FML leave, employees must give notice as soon as practicable, usually within one or two business days of when the need for leave becomes known.
2. Employees will be required to provide sufficient medical certification to the Human Resources Department within 15 calendar days from the date of their absence. Scott County reserves the right to request re-certification at the County's discretion in accordance with federal law.
3. An employee may take leave intermittently or on a reduced leave schedule when medically necessary. When taking leave intermittently, the employee must attempt to schedule leave so as not to disrupt department operations. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may take leave intermittently for birth or placement for adoption or foster care of a child only with the department's consent.
4. Employees will be required to use all sources of paid leave concurrently with Family Medical Leave. Employees utilizing continuous Family Medical Leave may make a written request to the Human Resources Director for the ability to reserve up to 40 hours of vacation time and go into an unpaid status for the final week of leave. The annual FMLA allowance will run concurrently with any Workers' Compensation leave.
5. An employee's insurance benefits will be maintained for up to 12 weeks during the approved leave under the same conditions as if the employee continued to work. The employee must continue to pay the employee portion of the insurance premiums in a timely manner. If the leave

Draft for discussion purposes

extends for more than 12 weeks, the employee will become responsible for payment of the entire health insurance premium to maintain coverage.

6. Employees will be required to present a certificate from the attending physician releasing the employee to full duty before returning to work. Reasonable accommodation will be made to adapt the job to any permanent restrictions pursuant to the Americans with Disabilities Act.
7. After a return from FMLA leave the employee will be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee does not return to work following FMLA leave the employee will be required to reimburse the County for health insurance premiums paid on the employee's behalf.
8. If the employee is in a non-pay status at any time during FML, the employee shall not accrue vacation, sick, or holiday leave for that period of time in which they received no pay.
 - Officially designated County holidays falling within the period of an employee's approved FML will be charged against the employee's FML entitlement.
 - If a holiday occurs during FML and the employee is in an active pay status the employee will receive holiday pay for that day.
9. If an employee fails to return to work after the employee's approved FML request has expired, the County shall regard this as the employee's resignation.
10. When both spouses are employed by Scott County, their combined leave allowance for birth or adoption of a child, or to care for the same parent, will be twelve weeks.

11. If the employee is utilizing FML for a child over the age of 18 the child must meet the following requirements; have a disability as defined by the ADA, is incapable of self care due to the disability, has a serious health condition and is in need of care due to the serious health condition. The onset of disability may have occurred at any age.

SERVICE MEMBER FAMILY AND MEDICAL LEAVE

The federal Family and Medical Leave Act (FMLA) ~~now~~ entitles eligible

Draft for discussion purposes

employees to take leave for a covered member's service in the Armed Forces ("Service member FMLA"). Except as mentioned below, an employee's rights and obligation to Service member FML leave are governed by the FMLA policy stated above.

A. Employee Entitlement to Service Member FML

Service member FML provides eligible employees unpaid leave for any one, or for a combination of the following reasons:

1. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces of the United States in support of contingency plan; and/or
2. To care for a covered family member or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces of the United States provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating.

B. Duration of Service Member FML

1. When leave is due to a "Qualifying Exigency": An eligible employee may take up to 12 workweeks of unpaid leave annually, based on the previous rolling 12 month period.
2. When leave is due to Care for an Injured or Ill Service Member: An eligible employee may take up to 26 workweeks of unpaid leave annually, based on the previous rolling 12 month period to care for the Service Member. Leave to care for an injured or ill Service Member, when combined with other FML qualifying leave may not exceed 26 weeks in a single 12 month period.
3. Service Member FML runs concurrent with other leave entitlements provided under federal, state, and local law.

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

R E S O L U T I O N

SCOTT COUNTY BOARD OF SUPERVISORS

February 26, 2013

APPROVING CHANGES TO HUMAN RESOURCES POLICY Y

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That Human Resources Policy Y. "Family Medical Leave" is hereby modified to address compliance with federal law.

Section 2. This resolution shall take effect immediately.