

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN

**ADMINISTRATION - ADOPT REVISED POLICIES #507 & #512**

**BE IT RESOLVED**, that the Board of Commissioners (Board) does hereby adopt the revised Leaves of Absence Policy #507 and Family and Medical Leave Act (FMLA) Policy #512, as attached, effective immediately.

**ALLEGAN COUNTY  
POLICY**



**TITLE: LEAVES OF ABSENCE  
POLICY NUMBER: 507**

**APPROVED BY: Board of Commissioners**

**EFFECTIVE DATE:**

1. **GENERAL:** A leave of absence is an absence from work with or without pay that is authorized in writing. The following provisions apply to all leaves of absence to the fullest extent consistent with applicable law:
  - 1.1 If the duration of any leave of absence exceeds 12 weeks in any 12-month period without the express written approval of the Employer, the employee may be terminated from employment with automatic loss of seniority. All leave requests must state the date the leave begins and the date the employee will (or, if applicable, is expected to) return to work.
  - 1.2 If an employee obtains a leave of absence for a reason other than stated at the time the request is made, the employee may be terminated from employment.
  - 1.3 Failure to return to work on the date scheduled may result in termination of employment.
  - 1.4 Employees may not accept other employment while on a leave of absence unless approved in advance in writing by the Employer. Acceptance of other employment or working for another employer while on a leave of absence without such approval may result in termination of employment.
  - 1.5 Leaves of absence are without pay unless otherwise specifically provided.
2. **PERSONAL LEAVE:** The Employer may grant a leave of absence for personal reasons not to exceed 30 calendar days at a time and without pay and without loss of seniority. A personal leave may be granted, denied or extended in the sole discretion of the Employer upon written request to the Department Head and Human Resources Department which sets forth the reasons for such leave. Only employees beyond the introductory period are eligible for a personal leave.
3. **MILITARY LEAVE:** An employee serving in the armed forces of the United States shall be treated by the Employer as required by applicable law.
4. **GUARD DUTY LEAVE:** An employee who is a member of the National Guard or Reserves who is called for defense training shall be entitled to a leave of absence for whatever is the annual active duty training period. During this leave, and upon presentation of documentation of their gross wages with the Guard or Reserves, they may receive pay for the difference between such pay and their regular gross pay, such payment not to exceed two (2) calendar weeks.

5. **JURY DUTY LEAVE:** A full-time or regular part-time employee who is called to and reports for jury duty shall be compensated by the Employer for time spent in performing jury duty during such hours as the employee was scheduled to work. The compensation to be paid shall not exceed the difference between the employee's regular straight time hourly rate and the daily jury fee paid by the court. If the employee reports for jury duty and is excused early, he or she must then report for work. In order to receive payment, an employee must give the Employer prior notice that he or she has been summoned for jury duty and must furnish satisfactory evidence that jury duty was performed on the days for which he or she claims payment. The provisions of this section are not applicable to an employee who, without being summoned, volunteers for jury duty. Compensation as set forth in this section shall be paid to an employee who is subpoenaed as a witness in a case in which the employee is not a party and which subpoena is received as a result of his or her work for the Employer. The Employer's payment to an employee for performance of jury duty under this section is limited to 30 days in any calendar year.
  
6. **NON-FMLA DISABILITY LEAVE OF ABSENCE:** An employee who because of non-work-related accident or illness is physically unable to report for work beyond the time allocated under the FMLA shall, upon written application and cause shown, be given a leave of absence for the duration of such disability up to a period of 12 months (unless otherwise approved by the Employer), provided that the employee continues to supply the Employer with acceptable medical certification of the necessity for the continued leave of absence. The employee's physician must verify in writing that the employee is fit to return to all normal duties before an employee can return to work at the expiration of the approved leave. Disability due to pregnancy shall be treated as any other medical disability.
  
7. **BEREAVEMENT LEAVE:** Upon written notification to the Employer and upon consideration of any emergent service delivery needs, an employee shall be granted paid leave for consecutive regularly scheduled work days within the first thirty (30) calendar days following the death of an employee's immediate or extended family member(s), subject to the provisions below, for the purpose of assisting in the funeral/memorial service arrangements, attending the funeral/memorial service, attending post funeral/memorial service function(s) or arrangement(s), and/or grieving.
  - 7.1 Up to five (5) days for immediate family, defined as the employee's current spouse or household partner, child, brother, sister, parent, grandparent or grandchild, including current "step", "foster" or "in-law" relations for the same relationships as applicable and household members that employee is legally or financially responsible for and was residing in the home at the time of death.
  - 7.2 Up to three (3) days for extended family, defined as the employee's current aunt, uncle, niece, nephew or great-grandparent, including current "step" or "in-law" relations for the same relationships as applicable.
  - 7.3 With the advance approval of the Employer, some or all of the five (5) or three (3) days may be used in an inconsecutive manner during or after the thirty (30) calendar days following death when unusual circumstances exist.
  - 7.4 Upon written notification to the Employer, an employee shall be permitted to

extend their “immediate family” bereavement leave by up to five (5) more consecutive regularly scheduled work days, contiguous to the original leave. The bereavement leave extension shall be charged to the employee’s PTO bank. If the employee does not have adequate time available in the PTO bank, the extension shall be considered unpaid leave.

7.5 An employee excused from work under the first paragraph of this Section shall, after making notification to the employee’s supervisor, receive the amount of straight-time wages (exclusive of shift or any other premiums) that such employee would have earned by working on such scheduled days of work for which such employee was excused.

8. **FAMILY AND MEDICAL LEAVE ACT (FMLA):** The Employer’s FMLA policy is set forth in Policy No. 512 of the Employee Handbook.

**ALLEGAN COUNTY  
POLICY**



**TITLE: LEAVES OF ABSENCE  
POLICY NUMBER: 507**

**APPROVED BY: Board of Commissioners**

**EFFECTIVE DATE: October 1, 2023**

1. **GENERAL RULES:** Employees remain employed by the County while on an approved leave of absence of up to twelve (12) months or less, unless otherwise provided. Leave of absence is without pay unless otherwise specifically provided. Leave of absence is not to be used to obtain or perform other employment. An employee who performs other employment during a leave of absence will be considered a voluntary quit unless such employment is approved in advance by the department head.
2. **BEREAVEMENT LEAVE:** Upon written notification to the Employer and upon consideration of any emergent service delivery needs, an employee shall be granted paid leave for consecutive regularly scheduled work days within the first thirty (30) calendar days following the death of an employee's immediate or extended family member(s), subject to the provisions below, for the purpose of assisting in the funeral/memorial service arrangements, attending the funeral/memorial service, attending post funeral/memorial service function(s) or arrangement(s), and/or grieving.
  - 2.1. Up to five (5) days for immediate family, defined as the employee's current spouse or household partner, child, brother, sister, parent, grandparent or grandchild, including current "step", "foster" or "in-law" relations for the same relationships as applicable and household members that employee is legally or financially responsible for and was residing in the home at the time of death.
  - 2.2. Up to three (3) days for extended family, defined as the employee's current aunt, uncle, niece, nephew or great-grandparent, including current "step" or "in-law" relations for the same relationships as applicable.
  - 2.3. With the advance approval of the Employer, some or all of the five (5) or three (3) days may be used in an inconsecutive manner during or after the thirty (30) calendar days following death when unusual circumstances exist.
  - 2.4. Upon written notification to the Employer, an employee shall be permitted to extend their "immediate family" bereavement leave by up to five (5) more consecutive regularly scheduled work days, contiguous to the original leave. The bereavement leave extension shall be charged to the employee's PTO bank. If the employee does not have adequate time available in the PTO bank, the extension shall be considered unpaid leave.
  - 2.5. An employee excused from work under the first paragraph of this Section shall, after making notification to the employee's supervisor, receive the amount of straight-time wages (exclusive of shift or any other premiums) that such employee would have earned by working on such scheduled days of work for which such employee was excused.

3. **PERSONAL LEAVE OF ABSENCE:** The County, in its sole discretion, may grant an unpaid personal leave of absence for a period typically not to exceed thirty (30) days. Requests for a personal leave of absence should be submitted in writing to the employee's immediate supervisor, stating the reason(s) for the request. An extension of up to an additional thirty (30) days may be requested prior to the end of any approved period. Any request for personal leave must be approved in writing by the department head.
4. **JURY DUTY LEAVE WITH PAY:** Eligible full-time, regular part-time and job-share employees who are assigned jury duty will be granted a paid leave of absence to serve as required up to a maximum of thirty (30) days in a calendar year. Employees shall be expected to be at work for all scheduled hours when not serving as a juror. The County requires the employee to furnish a written statement of their jury duty earnings from the proper court official. When serving on a jury in Allegan County, the employee will be paid their regular rate of pay and the employee must not accept any juror fees or mileage. When serving on a jury out of county, the employee will be paid their regular rate of pay providing any juror fees or mileage received is turned in to the Human Resources Department.
5. **MILITARY LEAVE:** An employee will be granted a military leave of absence for service as required under federal law, for time spent in full-time active or reserve service in the armed forces of the United States. The period of such leave will be determined in accordance with applicable federal laws in effect during the period of the leave. Employees will be entitled to reinstatement from such military leave in accordance with applicable federal laws. The County shall pay one hundred percent (100%) of medical/dental/vision insurance premiums for the employee and his/her dependents for a period of thirty (30) days following the date the employee is released from duty. No wages shall be paid.

**ALLEGAN COUNTY  
POLICY**



**TITLE: FAMILY AND MEDICAL LEAVE ACT (FMLA)  
POLICY NUMBER: 512**

**APPROVED BY: Board of Commissioners**

**EFFECTIVE DATE:**

1. **GENERAL:** The County will provide eligible employees with unpaid leave for covered family and medical reasons, in compliance with the Family and Medical Leave Act (FMLA). In all respects, this policy shall be administered consistent with the FMLA and its regulations as they may be amended from time to time.
2. **ELIGIBILITY:** Employees are eligible for FMLA leave only if they have been employed for at least one year, have worked at least 1,250 hours over the previous 12 months, and work at a covered location. A location is covered if at least 50 employees of the County work within a 75-mile radius.
  - 2.1 **Basic Leave Entitlement:** Eligible employees may take up to a total of 12 workweeks of leave in any 12-month period for the following reasons:
    - 2.1.1 For the employee's own serious health condition (defined below) that makes him or her unable to perform the essential functions of the employee's job.
    - 2.1.2 To care for the employee's spouse, child, or parent with a serious health condition.
    - 2.1.3 For incapacity due to pregnancy, prenatal medical care or child birth.
    - 2.1.4 To care for the employee's child after birth, placement for adoption, or foster care placement.
    - 2.1.5 For an employee's "qualifying exigency" resulting from the fact that the employee's spouse, parent, son or daughter (1) is a member of a regular component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country; or (2) is a member of a reserve component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country under a call or order to active duty. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment and reintegration briefings.The amount of FMLA leave time an employee has available (for the above reasons) on any given date is equal to 12 weeks minus the amount the employee has used in the preceding 12 months.
3. **SERVICE MEMBER FAMILY LEAVE:** An eligible employee may request up to 26 weeks of FMLA leave in a single FMLA year to care for the employee's spouse, son,

daughter, parent, or next of kin who is a covered service member. A covered service member is either:

- 3.1 a current member of the Armed Forces who
  - 3.1.1 incurred or aggravated a serious illness or injury in line of duty on active duty;
  - 3.1.2 may be medically unfit to perform the duties of his office, grade, rank or rating because of the serious illness or injury; and
  - 3.1.3 is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness;
- or**
- 3.2 a veteran of the Armed Forces who
  - 3.2.1 incurred or aggravated a qualifying injury or illness in line of duty on active duty;
  - 3.2.2 is undergoing medical treatment, recuperation or therapy for a serious injury or illness; and
  - 3.2.3 was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

In a year in which an employee uses leave to care for a covered service member, 26 weeks is the maximum amount of FMLA leave that the employee may use in total for all types of FMLA leave.

- 4. **DEFINITION OF A SERIOUS HEALTH CONDITION:** A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves either:
  - 4.1 an overnight inpatient stay in a medical care facility, or
  - 4.2 continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee’s job, or prevents the qualified family member from participating in work, school, or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:
    - 4.2.1 A period of incapacity of more than three consecutive full calendar days combined with either (a) at least two visits to a health care provider within certain time frames, or (b) one visit to a health care provider within a certain time frame and a regimen of continuing treatment;
    - 4.2.2 Incapacity due to pregnancy or prenatal care;
    - 4.2.3 Incapacity due to a chronic condition that continues for an extended period and requires at least two visits to a health care provider per year for treatment; or
    - 4.2.4 Permanent or long-term incapacity, or conditions requiring multiple treatments.
- 5. **USE OF LEAVE:** When medically necessary, leave may be taken on an intermittent basis or by arranging a reduced work schedule. Employees must make reasonable efforts to

schedule leave for planned medical treatment so as not to unduly disrupt the County's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**6. EMPLOYEE'S RESPONSIBILITY TO GIVE NOTICE OF THE NEED FOR LEAVE:**

Employees must notify their supervisor and the Human Resources Department of any need to take FMLA leave (including any absence, late arrival, or early leaving related to FMLA leave). Employees must give this notice at least 30 days in advance of a foreseeable need for FMLA leave. If it is not possible to give 30 days' advance notice, employees must notify their supervisor and the Human Resources Department as soon as practicable. Employees must follow all County rules for calling in to report absence, tardiness, or early leaving.

- 6.1 Whenever requesting FMLA leave, employees must provide sufficient information for the County to determine whether the leave qualifies as FMLA leave and the anticipated timing and duration of the leave. Employees must also inform their supervisor and the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- 6.2 Once an employee has requested FMLA leave, the County will inform the employee whether he or she is eligible to take FMLA leave and explain the employee's rights and responsibilities under FMLA. After the employee returns all required forms, the County will inform the employee whether or not the leave will be designated as FMLA leave.
- 6.3 If an employee does not comply with the above notice requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied.

**7. MEDICAL CERTIFICATION:** When the County requests it, an employee must provide complete and sufficient certification from a health care provider verifying the need for leave (at the employee's expense). The County will provide a form for this purpose. The employee must return the completed certification form to the County within 15 days. Failure to do so may result in the delay and/or denial of FMLA leave. The County may require subsequent opinions from a different health care provider (at the County's expense). The County may also require periodic re-certifications of the need for leave.

**8. WAGES AND BENEFITS DURING FMLA LEAVE:** Wages are not paid during FMLA leave. The County will maintain the employee's health coverage (including dental and vision if available) under any group health plan for covered FMLA leave as long as the employee maintains his or her contributions during the leave. To maintain such contributions an employee must make arrangements to do so with the Human Resources Department. Under certain circumstances the County may recover its share of health plan premiums during unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires.

- 8.1 Use of FMLA leave will not result in the loss of any benefit that accrued prior to the start of the leave. Employees will not continue to accrue benefits while taking FMLA leave unless provided otherwise under another County policy. PTO accrual will not accrue when an employee is on an unpaid leave of absence. (See Paid Time Off Policy 506 under Leave of Absence for further details.)

9. **USING PAID LEAVE TIME DURING FMLA LEAVE:** The County requires that an employee on FMLA leave use Paid Time Off (PTO) to cover all hours not compensated under the Short-Term Disability program until the employee's PTO bank reaches a balance of 80 hours, after which the employee is required to use enough PTO to cover deductions from pay to cover the employee's share of health insurance premiums. In addition to this requirement, an employee taking FMLA leave may elect to use paid leave that the employee has available under County policies. In order to use paid leave during FMLA leave, the employee must comply with the County's policies concerning paid leave. Whether or not paid leave is available or used, all time off which is covered by the FMLA will be charged against the employee's FMLA entitlement.
  
10. **CONTACT WITH THE COUNTY DURING THE LEAVE:** While on FMLA leave, employees are required to report to the Human Resources Department regarding their status and intention to return to work. Likewise, it may be necessary for the County to contact an employee for those reasons. If the employee cannot be reached at the phone number on file with the County and the leave is in excess of five working days, the employee must provide a telephone number and address at which they can be contacted.
  
11. **RETURNING TO WORK:** Before returning to work from a leave due to the employee's own serious health condition, the employee must provide medical verification of his or her fitness for duty. The County will provide a list of the essential functions of the employee's job for that purpose. If the employee is taking leave intermittently or on a reduced work schedule, the County may require a certification of fitness to return to duty under certain circumstances.
  - 11.1 Upon return from FMLA leave, most employees will be returned to their original position or an equivalent one, with equivalent pay, benefits and other employment terms.
  
12. **TERMINATION OF FMLA LEAVE:** An employee's FMLA leave and accompanying benefits will cease under the following circumstances:
  - 12.1 The employment relationship would have terminated if the employee had not taken FMLA leave;
  - 12.2 The employee informs the County of his or her intent not to return from leave;
  - 12.3 The employee fails to return a medical certification as required;
  - 12.4 The employee fails to return to work at the end of an approved FMLA leave and is not approved for additional leave;
  - 12.5 The employee continues on unapproved leave after exhausting his or her FMLA leave entitlement;
  - 12.6 The County honestly believes that the employee fraudulently obtains FMLA leave or misuses FMLA leave;
  - 12.7 While on FMLA leave, the employee engages in conduct that is inconsistent with the need for leave; or
  - 12.8 The employee engages in employment with another employer or in self-employment without the County's approval during FMLA leave.

13. **ENFORCEMENT:** Any employee who believes that his or her rights under the FMLA have been violated is to report this immediately to their supervisor and the Human Resources Department. Any complaint will be investigated thoroughly and promptly. No employee will be retaliated against for making a good faith complaint. The FMLA also states that employees can file a complaint with the U.S. Department of Labor or in an appropriate court.

14. **REFERENCES:**

14.1 Employee Handbook Policy #506 - Paid Time Off (PTO)

# ALLEGAN COUNTY EMPLOYEE HANDBOOK

**Category:** Employment Benefit Policy  
**Number:** 512  
**Approved:** February 24, 2005  
**Revised:** April 1, 2010  
**Resolution:** April 22, 2010  
**Subject:** Family and Medical Leave Act Policy and Procedure



**I. Policy:** The County will provide eligible employees with unpaid leave for covered family and medical reasons, in compliance with the Family and Medical Leave Act (FMLA). In all respects, leaves of absence under this policy shall be administered and provided in a manner consistent with the FMLA and its regulations. Reporting and tracking of FMLA qualified time away from work is required and important for these reasons: (1) It is required by federal statute; (2) it allows for the County to more fully and consistently support employees in needed, qualified time off; and (3) it limits the potential negative consequences of employee time away from the workplace for individual departments and the organization as a whole.

**II. Eligibility:** Employees are eligible only if they have been employed for at least one year, have worked at least 1,250 hours over the previous 12 months, and work at a covered location. A location is covered if at least 50 employees of the County work within a 75-mile radius.

### **III. Definitions:**

*"Son or daughter"* a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under the age of eighteen (18) or age 18 or older and incapable of self-care because of a mental or physical disability.

*"Family member"* includes children, spouse, parents, but not son-in-law, daughter-in-law or parents-in-law.

*"Spouse"* a husband or wife as defined or recognized under Michigan State law for purposes of marriage.

*"Parent"* means a biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter.

*"In loco parentis"* means those persons with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

*"Serious health condition"* A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either:

1. An overnight stay in a medical care facility, or
2. Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:

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- a. A period of incapacity of more than three consecutive full calendar days combined with
  - At least two visits to a health care provider within certain time frames, or
  - One visit to a health care provider within a certain time frame and a regimen of continuing treatment;
- b. Incapacity due to pregnancy;
- c. Incapacity due to a chronic condition that requires at least two visits to a health care provider per year for treatment; or
- d. Permanent or long-term incapacity, or conditions requiring multiple treatments.

*"Health Care Provider":*

1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
2. Nurse practitioners or clinical psychologists, authorized to practice, and performing within the scope of their practice, under state law; or
3. Any health care provider recognized by the employer or the employer's group health plan.

*"Key Employee"* a salaried employee who is among the highest paid ten percent of employees within 75 miles of the work site.

#### **IV. See Also:**

- Labor Union Contracts where applicable
- Application for Family or Medical Leave

**V. Basic Leave Entitlement:** Eligible employees may take up to a total of 12 workweeks of leave in any 12-month period for the following reasons:

1. To care for the employee's child after birth, adoption, or placement for foster care;
2. To care for a spouse, parent or child with a serious health condition;
3. For the employee's own serious health condition that prevents the employee from working; or
4. To address certain qualifying exigencies resulting from a spouse, parent, son or daughter who is either (1) a member of a regular component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country, or (2) a member of a reserve component of the Armed Forces and is deployed (or has been notified of an order of deployment) with the Armed Forces to a foreign country under a call or order to active duty. Qualifying exigencies may include attending certain military events,

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arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment and reintegration briefings.

The amount of FMLA leave time an employee has available (for the above reasons) on any given date is equal to 12 weeks minus the amount the employee has used in the preceding 12 months.

**VI. Service member Family Leave:** Eligible employees may take up to 26 weeks of FMLA leave during a single 12-month period to care for a spouse, parent, son, daughter or next of kin who is a covered service member. A covered service member is either: (1) a member of the Armed Forces who is undergoing medical treatment, recuperation or therapy, or is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness, or (2) a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran underwent that medical treatment, recuperation, or therapy. The term “serious injury illness” means an injury or illness that was incurred or aggravated in the line of duty, or, in the case of a veteran, was incurred or aggravated in the line of active duty and manifested itself either before or after the service member became a veteran. During the single 12 month period, the employee is entitled to a total of 26 weeks of FMLA leave for all qualifying reasons.

**VII. Use of Leave:** When medically necessary, leave may be taken on an intermittent basis or by arranging a reduced work schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the County’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## **VIII. Procedure:**

- 1. Notification:** Employees must notify their supervisor and the Human Resources Department of any need to take FMLA leave (including any absence, late arrival, or early leaving related to FMLA leave). Employees must give this notice at least 30 days in advance of a foreseeable need for FMLA leave (as soon as practicable in the case of foreseeable leave due to a qualifying exigency). If it is impossible to give 30 days advance notice, employees must notify their supervisor and the Human Resources Department as soon as practicable.

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Employees must follow all County rules for calling in to report absence, tardiness, or early leaving.

Whenever requesting FMLA leave, employees must provide sufficient information for their supervisor and the Human Resources Department to determine whether the leave qualifies as FMLA leave and the anticipated timing and duration of the leave. Employees must also inform their supervisor and the Human Resources Department if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Once an employee has requested FMLA leave, the County will inform the employee whether he or she is eligible to take FMLA leave and explain the employee's rights and responsibilities under FMLA. After the employee returns all required forms, the County will inform the employee whether or not the leave will be designated as FMLA leave. Failure to follow the above notice requirements may result in the delay and/or denial of FMLA leave.

The County is responsible for determining if an employee's use of paid leave counts as FMLA leave. The County may designate leave as FMLA leave if it meets the criteria of the FMLA even when the employee does not specifically request FMLA leave.

- 2. Medical Certification:** When the County requests it, an employee must provide complete and sufficient certification from a health care provider verifying the need for leave (at the employee's expense). The County will provide a form for this purpose. In most cases, a "doctor's note" will not be accepted as appropriate medical certification. The employee must return the completed certification form to the County within 15 days. Failure to do so may result in the delay and/or denial of FMLA leave. The County may require subsequent opinions from a different health care provider (at the County's expense). The County may also require periodic re-certifications of the need for leave.
- 3. Contact with the County during the Leave:** While on FMLA leave, employees are required to report to the Human Resources Department regarding their status and intention to return to work. Likewise, it may be necessary for the County to contact an employee for those reasons. If the employee cannot be reached at the phone number on file with the County and the leave is in excess of five working days, the employee must provide a telephone number and address at

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which they can be contacted.

4. **Wages and Insurance Benefits during FMLA Leave:** Wages are not paid during FMLA leave. The County will maintain the employee's health coverage (including dental and vision if available) under any group health plan for covered FMLA leave as long as the employee maintains his or her contributions during the leave. An employee who has an obligation to pay part of the health care premiums during FMLA leave must make arrangements with the Human Resources Department to continue the payments during such FMLA leave.
5. **Using Paid Leave Time During FMLA Leave:** The County requires that an employee on FMLA leave use paid time off (PTO) to cover all hours not compensated under the short-term disability program until the employee's PTO bank reaches a balance of 26 hours, after which the employee is only required to use enough PTO to cover mandatory deductions from pay (e.g., the employee's share of health care premiums). Subject to this requirement, an employee taking FMLA leave may elect to use paid leave that the employee has available under the County's policies. In order to use paid leave during FMLA leave, the employee must comply with the County's policies concerning paid leave. Whether or not paid leave is available, all time off which is covered by FMLA will be charged against the employee's yearly FMLA allowance.
6. **Returning to Work:** Before returning to work from a leave due to the employee's own serious health condition, the employee must provide medical verification of his or her fitness for duty. The County will provide a list of the essential functions of the employee's job for that purpose. If the employee is taking intermittent or reduced work schedule leave, the County may require a certification of fitness to return to duty under certain circumstances.

Upon return from FMLA leave, most employees will be returned to their original position or an equivalent one, with equivalent pay, benefits and other employment terms. Use of FMLA leave will not result in the loss of any benefit that accrued prior to the start of the leave. Employees will not continue to accrue benefits while taking FMLA leave.

**IX. Termination of FMLA Leave:** An employee's FMLA leave and accompanying benefits will cease under the following circumstances:

# ALLEGAN COUNTY EMPLOYEE HANDBOOK

**Category:** Employment Benefit Policy  
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**Resolution:** April 22, 2010  
**Subject:** Family and Medical Leave Act Policy and Procedure



1. The employment relationship would have terminated if the employee had not taken FMLA leave;
2. The employee informs the County of his or her intent not to return from leave;
3. The employee fails to return from leave with the necessary certification;
4. The employee continues on unapproved leave after exhausting his or her FMLA leave entitlement;
5. The employee fraudulently obtains FMLA leave or makes material misrepresentation(s) in order to receive leave to which the employee would not otherwise be entitled;
6. While on FMLA leave, the employee engages in conduct that is inconsistent with the need for leave (e.g., engaging in recreational activities while on leave to care for a family member; engaging in activities demonstrating that the employee is not incapacitated while on leave for the employee's own serious health condition); or
7. While on FMLA leave, the employee begins employment with another employer or engages in self-employment without the prior approval of the Director of Human Resources.

If an employee on an FMLA leave decides not to return to work, in most situations the County is entitled to recover its share of health plan premiums during the period of FMLA leave.

**X. Enforcement:** Any employee who believes that his or her rights under the FMLA have been violated is to report this immediately to Director of Human Resources. Any complaint will be investigated thoroughly and promptly. No employee will be retaliated against for making a good faith complaint. The FMLA also states that employees can file a complaint with the U.S. Department of Labor or in an appropriate court.