

SOUTHERN STONE COUNTY FIRE PROTECION DISRICT

TITLE: Medical Leave

REVISED: 06/19/2008

POLICY: # 1700.18

APPLIES TO: Full Time Employees

PAGE: Page 1 of 4

Employees in the following employment classifications are eligible to request medical leave as described in this policy:

Regular full-time employees

SECTION ONE – GENERAL POLICY PROVISIONS

Eligible employees shall be entitled to up to twelve (12) weeks of leave during any twelve (12) month period for any of the following reasons:

- Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- Because of the placement of son or daughter with the employee for adoption or foster care.
- In order to care for the spouse, or a son, daughter, or parent of the employee, with a serious health condition.
- Because of the employee’s own serious health condition that makes the employee unable to perform the functions of his or her job.
- Because of a spouse, son, daughter or parent being on active duty or who has been notified of an impending call to active duty status.
- In order to care for a spouse, son, daughter, parent or next of kin who is a servicemember who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

Eligible employees shall be entitled to up to twenty-six (26) weeks of leave during any twelve (12) month period to care for a spouse, son, daughter, parent or next of kin who is a servicemember who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

Upon returning from leave, an employee shall be restored to the position held when the leave commenced, or an equivalent position. A position is equivalent if it has or requires the same pay, benefits, shift schedule, responsibilities, skills, and working conditions as the former position.

SECTION TWO – ELIGIBLE EMPLOYEES

Employees are eligible for leave when they have been employed by the Southern Stone County Fire Protection District (“the District”) for at least twelve (12) months and have actively worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) month period during the period immediately preceding the commencement of the proposed leave.

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PAGE: Page 2 of 4

SECTION THREE – SALARIES, WAGES, AND BENEFITS WHILE ON LEAVE

Any leave of absence under this policy shall be unpaid except that the District shall require that any sick time and vacation time be used during the leave, beginning with the first day of leave and continuing for each subsequent day until all accrued paid time off is exhausted. Thereafter, the remaining portion of the leave shall be without pay. The maximum length of a leave of absence shall be twelve (12) weeks regardless of whether the employee receives paid time off while on leave. Health benefits coverage shall continue during the leave under the same conditions that coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee shall make arrangements with the District for payment of any costs, premiums, or expenses required to be paid by the employee for such health benefits. The taking of a leave of absence shall not result in the loss of any employment benefits accrued prior to the date on which the leave commenced, although no employee shall be entitled to accrue seniority or any employment benefits while on leave.

SECTION FOUR - NOTICE OF REQUEST FOR LEAVE AND MEDICAL CERTIFICATION

Request for foreseeable or planned leaves of absence shall be made at least thirty (30) days in advance of the date the leave is to begin, except that if the circumstances do not allow for thirty (30) days prior notice, the employee shall provide such notice as is practicable.

An employee requesting a leave of absence because of a serious health condition of the employee or family member may be required to provide a certification issued by a health care provider which states either: (1) that the employee is needed to care for a family member, or (2) that the employee is unable to perform the functions of the position of employment. The District may require a second opinion if it has reason to doubt the validity of the initial certification, and may request a third opinion if the first and second opinions are in conflict.

SECTION FIVE – INTERMITTENT OR REDUCED SCHEDULE LEAVE

A leave of absence for a serious medical condition of the employee or family member may be taken on a reduced schedule or intermittent basis when medically necessary. The District may request certification of the need for reduced schedule or intermittent leave. The District may also require the employee to transfer to an alternative position having equivalent pay and benefits that is better suited to accommodating intermittent leave.

A leave of absence for the birth, adoption, or foster care placement of a child shall not be taken on reduced schedule or intermittent leave.

SOUTHERN STONE COUNTY FIRE PROTECION DISRICT

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POLICY: # 1700.18

APPLIES TO: Full Time Employees

PAGE: Page 3 of 4

SECTION SIX – EMPLOYEES NOT ENTITLED TO RESTORATION – KEY EMPLOYEES

The District may deny restoration to any salaried employee who is among the highest paid ten percent (10%) of employees provided the following conditions are satisfied:

- Restoration is denied to prevent substantial and grievous economic injury to the operations of the District; and,
- The District notifies the employee of its intent to deny restoration; and,
- If the leave has commenced, the employee elects not to return to employment after receiving such notice.

SECTION SEVEN – SPOUSES BOTH EMPLOYED – AGGREGATE LEAVE

If both spouses are employees, they shall be entitled to only 12 weeks of leave in the aggregate for the birth, adoption or foster care placement of a child, or to care for a seriously ill parent. When leave is taken to care for a seriously ill spouse or child, spouses who are both employees may each take 12 weeks of leave.

SECTION EIGHT – COORDINATION WITH FAMILY AND MEDICAL LEAVE ACT

An employee's right to a leave of absence pursuant to this policy shall be construed to be in accordance with the Family and Medical Leave Act of 1993 and any regulations promulgated in relation to this act. No additional right to leave shall exist beyond that provided by the Family and Medical Leave Act.

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PAGE: Page 4 of 4

REQUEST FOR FMLA LEAVE

I, _____, request a Leave of Absence under the
(Name)

Family and Medical Leave Act (FMLA), for the following reason:

(Check one)

- Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- Because of the placement of son or daughter with the employee for adoption or foster care.
- In order to care for the spouse, or a son, daughter, or parent of the employee, with a serious health condition.
- Because of the employee's own serious health condition that makes the employee unable to perform the functions of his or her job.
- In order to deal with a qualifying exigency which arises because a spouse, son, daughter or parent is on active duty or has been called to active duty status in the Armed Forces.
- In order to care for a spouse, son, daughter, parent or next of kin who sustained a serious illness or injury while on active duty in the Armed Forces.

When will you begin the leave? _____

When will you return from the leave? _____

Signature of Employee

Date Submitted