

Policy	Current	New	Item #/Notes
<p>4.711 Family and Medical Leave Policy</p>			
<p>II. Policy</p>	<p>C. Types of Leave – Continuous, Intermittent or Reduced Work Schedules Leave may be taken in consecutive weeks, intermittently (for example, take a day periodically when needed over the year), or under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced work hour schedule. In all cases, the leave may not exceed a total of twelve (12) work weeks (or twenty-six (26) work weeks to care for an injured or ill service member over a 12-month period). Leave taken for the birth or placement of a child for adoption or foster care must be taken consecutively. Prenatal medical appointments may be taken intermittently.</p> <p>When undergoing planned medical treatment, it is the employee's responsibility to coordinate the scheduling of such treatment with his/her immediate supervisor and the health care provider to minimize disruption to the County.</p> <p>When intermittent or reduced schedule leave is needed due to a foreseeable reason, Sedgwick County may temporarily transfer an employee to an available alternative position if the alternative position would better accommodate the intermittent or reduced schedule. The alternative position will be equivalent in pay and benefits and used in instances when leave for the employee or family member is foreseeable and for planned medical treatment.</p>	<p>C. Types of Leave – Continuous, Intermittent or Reduced Work Schedules Leave may be taken in consecutive weeks, intermittently (for example, taking a day periodically when needed over the year), or under certain circumstances, to reduce the workweek or workday, resulting in a reduced work hour schedule. In all cases, the leave may not exceed a total of twelve (12) work weeks (or twenty-six (26) work weeks to care for an injured or ill service member over a 12-month period). <u>Leave taken for the birth or placement of a child for adoption or foster care must be taken consecutively unless otherwise authorized by the department.</u> Leave for prenatal medical appointments may be taken intermittently.</p> <p>When undergoing planned medical treatment, it is the employee's responsibility to coordinate the scheduling of such treatment with his/her immediate supervisor and the health care provider to minimize disruption to the County.</p> <p>When intermittent or reduced schedule leave is needed due to a foreseeable reason, Sedgwick County may temporarily transfer an employee to an available alternative position if the alternative position would better accommodate the intermittent or reduced schedule. The alternative position will be equivalent in pay and benefits.</p>	<ul style="list-style-type: none"> • Leave may be taken at the department's discretion.

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	NEW	<p><i>F. Surveillance and Leave Investigation</i> <i>Should the County receive information that casts doubt upon the employee's proper use of Family Medical Leave time, the County may use reasonable means to investigate the use of the leave, including surveillance. In the case where the investigation finds intentional misuse of Family Medical Leave, employment may be terminated. Human Resources may also audit Family Medical Leave requests to ensure quality and accuracy.</i></p>	<ul style="list-style-type: none"> • Addition to policy.
<p>III. Procedure</p>	<p>A. When an employee has a foreseeable need for Family Medical Leave, the employee must complete the Family and Medical Leave Request for Leave Form. An employee may obtain this form from his/her immediate supervisor. If unforeseeable need arises the employee may verbally notify the appropriate supervisor of the request. When the need is foreseeable, the completed form must be submitted to the Department Head at least thirty (30) days prior to the commencement of the leave. A copy of the Request for Leave Form shall be forwarded by the Department Head to Human Resources. If, due to unforeseeable circumstances, it is impossible to give a full thirty (30) days notice, as much advance notice as possible is still required. Failure to comply with the above notice requirements may delay the onset of employee's FML leave for a period of up to thirty (30) days.</p> <p>The Department Head will provide a written Notice of Eligibility and Rights & Responsibilities form to the employee and copy Human Resources within five (5) business days when either 1) the Request for Leave</p>	<p>A. When an employee has a foreseeable need for Family Medical Leave, the employee must complete the Family Medical Leave Request for Leave Form. <u>An employee may obtain, complete, and submit this form to Sedgwick County Human Resources on the Family Medical and Other Leave page located under Employee Resources on e-line's home page. If an unforeseeable need arises the employee may verbally notify Human Resources of the request and Human Resources will provide a paper copy of the request to the employee or employee designee for completion. When the need is foreseeable, the completed form must be submitted to Human Resources at least thirty (30) days prior to the commencement of the leave.</u> If, due to unforeseeable circumstances, it is impossible to give a full thirty (30) days notice, as much advance notice as possible is still required. Failure to comply with the above notice requirements may delay the onset of an employee's FML leave for a period of up to thirty (30) days.</p> <p><u>Human Resources</u> will provide a written Notice of Eligibility and Rights & Responsibilities Form to the</p>	<ul style="list-style-type: none"> • Forms will now be available on e-line. • The process is now being led by HR, not departments.

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	<p>form is received, or 2) a verbal request for FML is made by the employee, or 3) the Department acquires knowledge than an employee’s absences may be for an FML qualifying reason.</p>	<p>employee within five (5) business days when either 1) the Family Medical Leave Request for Leave Form is received, 2) a verbal request for FML is made by the employee, or 3) the Department acquires knowledge that an employee’s absences may be for an FML qualifying reason. <u>In cases such as those highlighted under item 3 the Department should notify HR within twenty-four (24) hours.</u></p>	<ul style="list-style-type: none"> • Addition to policy
	<p>B. It is the employee's responsibility to provide a Certification of Health Care Provider form within fifteen (15) calendar days of receipt of the Notice of Eligibility and Rights & Responsibilities form (29 CFR §825.305). The Certification of Health Care Provider is not required for the placement of child for adoption or foster care, however documentation for the event will be required. The certification form provided with the Notice of Eligibility and Rights & Responsibilities form is also available on e-line. Failure to provide the physician’s certification within the required time period may delay the onset of FML leave. Human Resources will notify the Department Head and employee whether the leave has been approved or denied with a Designation Notice form within five (5) days of receiving sufficient information to make the FML determination.</p> <p>Employees authorize a Sedgwick County Human Resources representative to contact their health care provider to authenticate and clarify any information provided in the certification (Note: Authorization signature is on the Request for Leave Form). Employees will be given an opportunity to resolve any</p>	<p>B. It is the employee's responsibility to provide the appropriate Certification Form within fifteen (15) calendar days of receipt of the Notice of Eligibility and Rights & Responsibilities Form (29 CFR §825.305). The Certification of Health Care Provider Form is not required for the placement of a child for adoption or foster care, however documentation for the event will be required. The Certification Forms, provided with the Notice of Eligibility and Rights & Responsibilities Form, are also available on the Family Medical and Other Leave page located under Employee Resources on e-line’s home page. <u>Failure to provide a completed Certification Form within the required time period may delay the onset of FML leave. Human Resources will notify the Department and employee whether the leave has been approved or denied with a Designation Notice form within five (5) business days of receiving sufficient information to make the FML determination.</u></p> <p>Employees may authorize a Human Resources representative to contact their health care provider to authenticate and clarify any information provided in the Certification Form (Note: Employees can choose whether or not to authorize this action through the</p>	<ul style="list-style-type: none"> • HR has five business days to make the FML determination.

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	<p>C. Recertification is required for intermittent leave requests of more than six (6) months of leave time per certificate. When an employee is aware of the continuing need for intermittent leave, he or she must submit an updated certification to the Department Head prior to expiration of the current certification. A recertification may also be requested if 1) an employee requests an extension of continuous leave; 2) circumstances described by the previous certification changed (e.g. duration of frequency of absence, nature or severity of the illness, complications, a pattern of using unscheduled leave with scheduled days off); or the County receives information that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification. The recertification must be returned within fifteen (15) calendar days of the request unless it is not practicable.</p>	<p>C. Recertification is required for intermittent leave requests of more than six (6) months of leave time per Certification Form. When an employee is aware of the continuing need for intermittent leave, <u>he or she must submit an updated Certification Form to Human Resources prior to expiration of the current Certification Form.</u> A Recertification may also be requested if 1) an employee requests an extension of continuous leave; 2) circumstances described by the previous Certification Form change (e.g. duration or frequency of absence, nature or severity of the illness, complications, a pattern of using unscheduled leave with scheduled days off); or 3) Human Resources receives information that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification. When asked to submit an updated Certification Form for recertification the updated Certification Form must be returned to Human Resources within fifteen (15) calendar days of the request.</p>	<ul style="list-style-type: none"> Forms will be submitted to HR.
	<p>NEW</p>	<p><u>D. In addition to providing Human Resources with a new Certification Form (Recertification) every six (6) months for those intermittent leave requests of more than six (6) months, individuals approved for intermittent leave must also provide Human Resources with an Annual Certification at the anniversary of their initial request for leave date. Human Resources will be in contact with the employee prior to their recertification and annual certification deadlines and assist the employee with this portion of the process.</u></p>	<ul style="list-style-type: none"> Addition to policy.

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	<p>F. The employee will be responsible for paying his or her share of the health insurance premium for the insurance to remain in effect during a leave of absence. If an employee chooses not to return to work from unpaid leave for reasons other than a continued serious health condition, or other circumstances beyond the employee's control, the employee will be liable for health insurance premiums paid by the County during the time of the Family and Medical Leave.</p>	<p>G. The employee will be responsible for paying his or her share of the health insurance premium for the insurance to remain in effect during a leave of absence. If an employee chooses not to return to work from unpaid leave for reasons other than a continued serious health condition, or other circumstances beyond the employee's control, <u>the employee will be liable for health insurance premiums paid by the County during the time of the Family and Medical Leave.</u></p>	<ul style="list-style-type: none"> • This part of the policy will now be enforced.
	<p>G. When employees return from leave due to their own serious health condition they are required to provide the Return to Work Certification form. Employees who fail to provide the Return to Work Certification form may not be permitted to resume work until this form is provided. Employees returning for all other FML events are required to provide only Section I. of the form.</p>	<p>H. <u>When employees return from leave due to their own serious health condition they are required to notify their Department that they will be returning to work forty-eight (48) hours prior to their date of return so that proper planning may occur. Additionally, employees must provide a completed Return to Work Certification Form to Human Resources upon their return. Human Resources will contact employees when two (2) weeks remain according to their original leave request so that they may begin working on the completion of their Return to Work Certification Form.</u> Employees who fail to provide the Return to Work Certification form may not be permitted to resume work until this form is provided. Employees returning for all other FML events are required to provide only Section I. of the form.</p>	<ul style="list-style-type: none"> • Addition to policy.

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	NEW	I. <u>In some instances an employee’s Family Medical Leave case may also be covered by the Americans with Disabilities Act (ADA). Human Resources will review and refer these situations to the Sedgwick County ADA Coordinator on a case by case basis. Employees should notify Human Resources with any requests for restrictions or reassignment and Human Resources will work with the employee, Department, and Sedgwick County ADA Coordinator to meet employee needs.</u>	<ul style="list-style-type: none"> • Addition to policy.
	H. When an employee has exhausted all FML and accrued paid leave and is unable to return to work, the Department Head will contact Human Resources for an employment status review of options.	J. When an employee has exhausted all FML and accrued paid leave and is unable to return to work, <u>Human Resources will contact the Department and employee</u> for an employment status review of options.	<ul style="list-style-type: none"> • This process is now centralized in HR.
IV. Definitions	NEW	<p>A. <u>Rolling Calendar Year – An eligible employee is entitled to up to twelve weeks of leave per year, with year defined as a “rolling” twelve month period.</u></p> <p><u>Each time an employee takes FML leave the remaining leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.</u></p> <p><u>For example, if an employee has taken eight (8) weeks of leave during the past twelve (12) months, an additional four (4) weeks of leave could be taken. If an employee used four (4) weeks beginning February 1, 2012, four (4) weeks beginning June 1, 2012, and four (4) weeks beginning December 1, 2012, the employee would not be entitled to any additional leave until February 1, 2013. However, beginning on February 1, 2013, the employee would again be eligible to take FML, recouping the</u></p>	<ul style="list-style-type: none"> • Addition to policy.

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		<p><u>right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one (1) additional day of FML each day for four weeks, commencing February 1, 2013. The employee would also begin to recoup additional days beginning on June 1, 2013, and additional days beginning on December 1, 2013.</u></p>	
	NEW	<p><u>F. In Loco Parentis – A child under the FMLA includes not only a biological or adopted child, but also a foster child, stepchild, a legal ward, or a child of a person standing in loco parentis. The FMLA regulations define in loco parentis as including those with day-to-day responsibilities to care for and financially support a child. Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FML leave.</u></p>	<ul style="list-style-type: none"> • Addition to policy.