

Category: 300

Number: 361

Policy: Family Medical Leave, Short Term Disability, Long Term Disability

Purpose: To define and serve as primary document for leave of absence. The policy establishes procedures for employees who request a leave of absence.

Authority: St. Clair County Board of Commissioners. Administrative policies shall be subject to revision or termination by the Board of Commissioners at its discretion. This policy replaces and supersedes any prior policy on this subject matter.

Application: This policy speaks primarily to County Officials and Confidential and Non-Union Employees (CANUE). Employees who are members of Unions should consult the applicable collective bargaining agreement. Where a collective bargaining agreement is silent, this policy will apply. As to the FMLA, this policy shall apply to all County employees.

Responsibility: The Human Resources Director or designee shall be responsible for the administration and enforcement of this policy.

Definition:

Family Medical Leave Act (FMLA): Federal law which provides for eligible employee(s) to take an unpaid leaves of absence for medical reasons for self or specified family member or for any other qualified reason under the FMLA.

Short Term Disability (STD): County provided salary continuation for qualified full time employees of 66.67% of the employee's base monthly earnings for a non-work related medical leave of absence for up to 180 calendar days.

Long Term Disability (LTD): County provided salary continuation for qualified full time employees of 66.67% of the employee's base monthly earnings for a non-work related medical leave of absence in excess of 180 calendar days.

FAMILY MEDICAL LEAVE ACT (FMLA)

An employee may be eligible for a leave of absence under the Family Medical Leave Act of 1993 (FMLA). FMLA is a federal law that permits eligible employees to take leaves of absence for specified reasons and that safeguards continued employment. In order to be eligible an employee must have been employed with the County for at least the last twelve (12) months and worked at least 1,250 hours during the preceding twelve (12) month period. The employee is legally obligated to give their department head and/or supervisor thirty (30) days advance notice of a need for a FMLA leave when the need for leave is foreseeable or as much advance notice as possible or practical. An employee may be entitled to FMLA leave when his or her absence is for three (3) or more workdays, even if the work days are intermittent or not consecutive but related to the same circumstance or cause. Intermittent means a combination of actual work hours and time off work, not necessarily consecutive.

An eligible employee may be entitled for a leave for the following personal family and/or medical reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care,
- Serious health condition of the employee's spouse, child or parent.
- Serious health condition of the employee that makes the employee unable to work.
- Reasons related to a family member's service in the military, including
 - Qualifying exigency leave – leave for certain reasons related to a family member's foreign deployment, and
 - Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness.

An eligible employee may take up to twelve (12) weeks of leave in a twelve (12) month period for any FMLA leave reason except military caregiver leave. The twelve (12) month period begins with the first day of the employee's absence and runs concurrent with disability leave and Workers Compensation, which can be found in the *St. Clair County Policy 387-Workers Compensation*. An employee is entitled to no more than twelve (12) weeks of leave in a twelve (12) month period regardless of the number of incidents that arise. An eligible employee may take up to twenty-six (26) weeks of leave for military caregiver leave.

In the event of birth, adoption or placement of a child in the employee's home, the employee is entitled to twelve (12) weeks of leave within the first twelve (12) months of the child's birth, adoption or placement. The leave must be consecutive days and hours and may only be intermittent if agreed by the County.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.

When the Human Resources department is made aware of an employee's absence of three (3) or more days, the employee will be sent an FMLA Packet. The FMLA Packet includes forms to be completed by the employee and the attending physician. Once completed and returned to Human Resources department, the employee will be notified of their eligibility for FMLA.

FMLA is intended to work in coordination with an employer's policies or the terms and conditions of a collective bargaining agreement. Should the FMLA and the employer's policies or the terms and conditions of a collective bargaining agreement be in conflict, the FMLA regulations take precedence. Where the employer's policies or the terms and conditions of a collective bargaining agreement are more liberal but not in conflict with the FMLA, the employee is entitled to the more liberal policy.

The employee is entitled to the following protections while on FMLA leave:

- The employee is entitled to continuation of their group health, dental, vision and life benefits during the FMLA leave. The employee will need to continue to make any normal contributions to the cost of health insurance premiums while on FMLA leave.
- The employee is entitled to return to the same or equivalent position with equivalent pay, benefits and other terms and conditions of employment upon returning from an FMLA leave.

The FMLA regulations grant the County the following rights:

- The County may require an employee to submit to a second medical opinion at the County's cost.

- If an employee needs intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, he or she may be temporarily transferred to an alternative position that better accommodates recurring periods of leave.
- The County requires the employee to use any accrued sick time and compensatory time for the first twenty-eight (28) days of the leave in accordance with the policy and practice of the County. Employees can also choose to use accrued vacation time for the elimination period.
- The County requires certification of all employees' ability to return to work with or without limitations or restrictions prior to scheduling the employee to actually return to work. If return to work requires restrictions, the department head will determine if restrictions can be accommodated.
- When a both parents of a child are employed by the County the combined total leave of each shall not exceed twelve (12) weeks leave in the event of childbirth, adoption or placement of a child in the home of the employees.
- The County will charge the employee retroactive premium costs for health and dental care should the employee fail to return from an unpaid FMLA leave in accordance with conditions outlined in the Act.

SHORT TERM DISABILITY (STD)

County shall provide Short Term Disability (STD) salary continuation for qualified full time employees of 66.67% of their base pay, before all payroll deductions including taxes and F.I.C.A., for a non-work related medical leave of absence. STD salary continuation shall be reduced by any compensation from the County's Retirement Plan, and/or Social Security.

Any employee who has worked a minimum of 1,950 or 2,080 hours based on schedule with the County may be eligible for short term disability. STD will run concurrent with FMLA. STD may be supplemented with accrued time off.

The period of time between the first day of non-work related injury or illness and the commencement of STD benefit payments, also known as the elimination period, is twenty-eight (28) calendar days. A holiday occurring within this period shall be considered a day worked. The employee is required to use available accrued sick days, vacation days and compensatory time for the elimination period consistent with the policies and practices of the County.

The employee is entitled to leave bank accruals and retirement plan credit when they elect to supplement the leave with available accrued time off. If the employee does not elect to supplement the leave with accrued time off, they shall not accrue vacation time, sick days, compensatory time, retirement credit, or gain from any other fringe benefit during the leave. STD begins on the 29th calendar day of leave.

The County shall provide the eligible employee STD salary continuation from the twenty-ninth (29th) calendar day to the one hundred and eightieth (180th) calendar day from the first day of leave. During the period that the County provides the employee salary continuation, the employee shall be entitled to continuation of some of the fringe benefits enjoyed immediately prior to disability, as reflected below:

- The employee will continue to accrue vacation and sick time.
- The employee's compensation will include his or her contributions to the retirement system, which provides credit toward his or her annual multiplier upon retirement. The County will contribute its portion of the employee's compensation into the retirement system.

- The employee will continue to receive health and dental care and life insurance enjoyed at the time of disability at the same premium cost share as when actively employed.
- The employee eligible for Service Recognition shall receive compensation as though regularly scheduled to work.
- The employee shall not be entitled to paid holidays.

Fringe benefits that are based on a percentage of salary, such as retirement, shall be provided consistent with the employee's reduced salary. In other words, all benefits based upon salary shall be computed upon the reduced salary and thereby produce a reduced benefit.

STD salary continuation may be for a maximum period of one hundred and eighty (180) calendar days contingent upon continuing disability. Verification of a continuing medical disability is required by the County in order to provide salary continuation. The frequency of providing medical verification shall be at reasonable and appropriate intervals determined exclusively by the County.

The County requires certification of the employee's ability to return to work with or without limitations or restrictions prior to scheduling the employee to actually return to work. The employee may be ineligible for salary continuation for refusing to accept an offer of work in a reasonably equivalent classification to the classification held at the time of disability. Reasonably equivalent shall mean duties within the scope of the employee's skills, abilities and education, as well as, wages within fifteen percent (15%) of the employee's pay at the time of disability.

LONG TERM DISABILITY (LTD)

County shall provide salary continuation of 66.67% of the employee's base monthly earnings, to a maximum monthly benefit of \$4,000, for a non-work related medical leave of absence in excess of one hundred and eighty (180) calendar days. LTD commences on the one hundred and eighty first (181st) calendar day of a medical leave of absence.

At such time the employee shall not be eligible for fringe benefits. Be it provided, however, that the disabled employee shall be entitled to obtain group health insurance through the County in accordance with the following safeguards and conditions:

- The disabled employee shall be entitled to six (6) months of health care coverage provided the employee pays fifty percent (50%) of the premium costs.
- An employee purchasing dental care coverage shall continue to pay one hundred (100%) of the premium cost as provided *St Clair County Policy 382-Consolidated Omnibus Budget Reconciliation (COBRA)*.
- After six (6) months of LTD, County employment will terminate and the former employee will be notified of his or her COBRA rights.
- The County shall require prepayment of all premium costs. Failure to provide timely payment will result in the loss of coverage.

LTD is provided by an insurance carrier of the County's choosing. The maximum benefit period is outlined in the Plan Policy. At a cost to the employee, they have the option to Buy-Up the LTD payment benefit to 70% of base monthly earnings.

All leaves based upon illness shall be supported by a statement from the attending physician, when requested by the Employer. In all cases of illness extending beyond three (3) calendar days, the employee shall provide, upon request by the Employer and at reasonable intervals, physician

statements evidencing the employee's inability to return to normal work duties. Supporting documentation can be sent directly to the Human Resources Director or a Human Resources designee. The Employer may waive the right, but such waiver shall not form the basis for submitting a grievance when such waiver is not granted.

The preceding employee benefits and rights are in general and may not apply in each and every situation. The employee is encouraged to review the County's policies or the terms and conditions of a collective bargaining agreement personally, with their department head and/or supervisor, Union representative or the Human Resources department to ascertain a more specific application for his or her situation. The Human Resources Director or designee is recognized as the official spokesperson of the County in providing an interpretation and application of the County's employment policies or the terms and conditions of a collective bargaining agreement.

Review: The Administrator/Controller has reviewed and approved this policy as to substance and Corporation Counsel has reviewed and approved as to legal content. The Human Resources Director shall periodically review this policy and make recommendations for changes as needed.

Adopted: March 19, 2020

Revised: September 19, 2024