

## AMENDED EXHIBIT A

### **CHAPTER 169 Personnel Policies and Procedures**

#### **169.02 DEFINITIONS.**

Unless otherwise indicated in this Chapter, the following definitions shall apply:

- (a) "Appointing authority" means the elected office holders as described in Article III, Section 3.03(10) of the County of Summit Charter, who are authorized by law to make appointments to positions.
- (b) "Classification" means a group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one position in some circumstances (e.g., Manager).
- (c) "County" means the County of Summit, State of Ohio.
- (d) "Position" means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
- (e) "Supervisor" means an individual who has been authorized by the appointing authority to oversee and direct the work of lower level employees on a daily basis.
- (f) "Classified" means the general group of employees of the County not in the "unclassified" service.
- (g) "Unclassified" means those positions which are considered "at-will" and are not included in the classified service.
- (h) "Seniority" means an employee's continuous service with an appointing authority, provided that such continuous service shall be uninterrupted by any break in service of one (1) year or more. A break in service of one (1) year or more shall result in new seniority date, that begins on the date of return.
- (i) "Transfer" means a lateral move between one position or work station and another position or work station.
- (j) "Promotion" means a move to a higher classification which results in an increase in salary and responsibility.
- (k) "Demotion" means a change to a lower classification that reduces the scope of responsibility and/or salary.
- (l) "Active Pay Status" includes an employee currently receiving compensation from the County of Summit for hours worked or approved leave which includes but is not limited to, vacation leave, sick leave, leave donation, personal leave, compensatory time, election judge leave, non-personal court leave, holiday and administrative leave.
- (m) "Domestic Partner" means a person that is in a personal relationship between two adults who do all of the following: (1) share a residence; (2) are in an exclusive relationship and intend to remain so indefinitely; (3) neither person is married to or legally separated from another person; (4) share responsibility for each other's common welfare; and (5) are each at least eighteen (18) years of age and mentally competent and not related to each other to a degree of closeness that would prohibit marriage.

#### **169.15 BENEFITS COVERAGE.**

- (a) Eligibility. All regular full-time employees, as defined by Section 169.05, shall receive health benefits on the first day of the next month following

the start of their employment. Elected officials shall be eligible to receive health benefits effective on the first day of the term of office. Commencing with health benefits offered for calendar year 2014, except where already offered under the County's benefit plans, Spouses, Domestic Partners and Dependents of regular full-time employees may also be included in the employee's health benefits depending on the employee's benefit election.

(1) To be eligible to receive health benefits for a Domestic Partner, the employee and the Domestic Partner shall submit an affidavit prior to enrollment for benefits swearing under oath that the relationship entered into between the employee and the Domestic Partner is one that meets the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances.

(2) Dependents are defined for purposes of health benefits as natural and adopted children, step-children, ~~or~~ a child for whom the employee is the court appointed guardian or legal custodian, or a child of a Domestic Partner.

(b) Termination of eligibility. If any of the changes set forth below occurs any time during the year for an employee enrolled in the County's health benefits, the employee shall notify the employer as set forth below.

(1) Spouses. In the case of a divorce or dissolution of marriage, the employee must notify the Department of Law, Insurance and Risk Management within thirty (30) days of the date of the final decree of divorce or dissolution by providing a copy of the final decree.

(2) Domestic Partners. Upon the occurrence at any time that one or more of the elements set forth in the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances is no longer true, the employee shall notify the Department of Law, Insurance and Risk Management in writing within thirty (30) days, at which time the health benefits for the Domestic Partner shall terminate.

(3) Dependents. In the case of a child, step-child, a child for whom the employee is the court appointed guardian, or legal custodian, should the employee receive a court order or notice from a court of law or the authorized placement agency, that the employee is no longer responsible for that child or for the child's health care, the employee shall notify the Department of Law, Insurance and Risk Management within thirty (30) days of receiving written confirmation of the action terminating that responsibility.

Failure to provide notice as set forth above may result in discipline of the employee up to and including termination.

## **169.22 LEAVES OF ABSENCE.**

(a) Definitions.

(1) Absence. The failure of an employee to report for work when the employee is scheduled to work.

(2) Approved absence. Approved absences are listed below:

- A. Bereavement.
- B. County Emergency.
- C. Disciplinary Suspension.
- D. Election Judge Leave.
- E. Family Medical Leave Act/Americans with Disabilities Act related qualified/approved absences.
- F. Jury Duty.
- G. Management approved leave of absence (medical or personal) as set forth by policy.
- H. Military Obligation.
- I. Paid/Unpaid Administrative Leave.
- J. Personal Leave.
- K. Vacations and Holidays.
- L. Work related injury/illness.

(3) Unapproved absence. An Unapproved Absence, which is subject to disciplinary action, up to and including termination, is defined as all other absences not listed above in Section 169.22(a)(2).

Examples of unapproved absences:

- A. Tardiness and leaving prior to the end of the employee's scheduled work day;
- B. Unapproved sick leave; or
- C. Periods of absence in excess of approved vacation leave.

(4) Excused absence. An Excused Absence occurs when all four of the following conditions are met:

- A. The employee provides sufficient notice to his or her supervisor;
- B. The reason is found credible or acceptable by his or her supervisor;
- C. Such absence request is approved by his or her supervisor; and
- D. The employee has sufficient accrued leave time to cover such absence. Employees must take earned leave time for every absence unless otherwise allowed by County policy (e.g. Leave of Absence policy, Election Judge policy, Jury Duty, Family and Medical Leave Act, etc.).

If it is necessary for an employee to be absent or late for work because of illness or an emergency, the employee must notify their supervisor no later than thirty (30) minutes after the employee's scheduled starting time on that same day. Only when valid reasons make prompt calling impossible should employees have to call beyond the start of the work schedule.

(5) Unexcused absence. An Unexcused Absence occurs when one of the four conditions of an Excused Absence is not met.

(6) Excessive absences. The County uses a twelve (12)-month period, the period immediately preceding the last absence, when determining an excessive amount of Excused and/or Unexcused Absences. Excessive absences may result in disciplinary action up to and including termination.

(b) Application for a Leave of Absence. All employees requesting a leave of absence shall be required to submit such request as set forth for each type of leave of absence.

(c) Sick Leave.

(1) Crediting sick leave. All full-time employees, as defined in Section 169.05, shall be entitled to and credited with four and six-tenths (4.6) hours paid sick leave for each completed eighty (80) hours of service, and shall be permitted to accumulate this leave without limit. No additional sick leave accumulation shall be credited to an employee who works in excess of eighty (80) hours in any pay period. All regular part-time employees shall receive credit, prorated based on hours worked.

Sick Leave accumulation shall be calculated based on an employee's paid hours. Employees are expected to work or use accumulated paid leave for 40 hours per week. Any employee who does not meet the 40 hour threshold shall have their sick leave prorated based on the hours actually worked and/or paid leave used.

(2) Charging sick leave. When sick leave is used, it shall be deducted from an employee's credit, or charged for each time increment the employee is absent from previously scheduled work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings. Sick leave can be used in minimum increments of one quarter hour.

(3) Uses of sick leave. Sick leave shall be granted to an employee only by approval of the appointing authority and for the following reasons:

- A. Illness or injury of the employee or a member of the employee's immediate family.
- B. Death of a member of an employee's immediate family. Sick leave usage for this purpose is limited to five (5) working days per occurrence.
- C. Medical, dental or optical examinations or treatments of an employee or a member of an employee's immediate family; or
- D. If an employee is afflicted with a contagious disease or a member of an employee's immediate family is afflicted with a contagious disease and requires the care and attendance of the employee, as certified by a physician, or when through exposure to a contagious disease the presence of the employee at work would jeopardize the health of other employees.

(4) Immediate family. "Immediate family" is defined separately for purposes of sick leave and bereavement leave.

A. Sick Leave. "Immediate family" for purposes of sick leave set forth in Section 169.22(c)(3) includes:

1. Spouse
2. Child (Step)
3. Father (Step)
4. Mother (Step)
5. Grandparent
6. Grandchild
7. A legal guardian or other person who stands in place of a parent.
8. Domestic Partner<sup>≠</sup>
9. An individual over whom an employee has a power of attorney.
10. Covered service member as defined under Family

and Medical Leave Act Military Leave.

11. A legal guardian or an individual over whom an employee has a legal guardianship.

B. Bereavement Leave. "Immediate family" for purposes of bereavement leave set forth in Section 169.22(c)(3) includes:

1. Spouse
2. Child (Step)
3. Father (Step)
4. Mother (Step)
5. Grandparent
6. Grandchild
7. Sister (Step/Half)
8. Brother (Step/Half)
9. Mother-in-Law
10. Father-in-Law
11. Sister-in-Law
12. Brother-in-Law
13. Daughter-in-Law
14. Son-in-Law
15. Aunt
16. Uncle
17. Niece
18. Nephew
19. Domestic Partner<sup>≠</sup>
20. An individual over whom an employee has a power of attorney.
21. Covered service member as defined under FMLA Military Leave.
22. A legal guardian or an individual over whom an employee has a legal guardianship.

~~\* Domestic Partner is defined as a personal relationship between two adults who do all of the following: (1) share a residence; (2) are in an exclusive relationship and intends to remain so indefinitely; (3) neither person is married to or legally separated from another person; (4) shares responsibility for each other's common welfare; and (5) are each at least eighteen (18) years of age and mentally competent and not related to each other to a degree of closeness that would prohibit marriage.~~

C. Proof of guardianship, power of attorney, and/or military service must be provided to the employer when leave is requested.

(5) Notification by employee. When an employee anticipates being absent from work, the employee shall notify the appointing authority of the expected absence according to the procedures established by the appointing authority. If an employee has a prolonged illness or other reason for extended sick leave such as death or illness of the employee's immediate family, the appointing authority shall be made aware of this situation and the employee shall not be required to notify the appointing authority on a daily basis of such leave. If such notification is not made, the employee's absence may be deemed unapproved and the employee subject to discipline, up to and including, termination and/or the employee's sick leave may be disapproved.

(6) Evidence required for sick leave usage. The employee shall complete, sign and return the required application for leave form.

If absence due to illness is three (3) consecutive working days, the employee shall be required to furnish a certificate from a licensed physician stating that the employee was under said physician's care. During prolonged periods of illness, the employee or the employee's family may be required to submit every pay period, a written signed statement to justify payment of sick leave. At the conclusion of prolonged periods of sick leave, the employee shall submit a certificate from a licensed physician stating the employee is able to perform the essential functions of the employee's position.

- A. The appointing authority may require a "fitness for duty" examination by a physician selected by the Department of Human Resources before an employee returns to work from a prolonged illness. If such examination is ordered, the County of Summit will pay the cost of said examination.
  - B. Sick leave may be denied or revoked for the following reasons:
    - 1. Continual requests for sick leave not evidenced by a bona fide physician's certificate;
    - 2. Abuse or patterned usage of sick leave; and/or
    - 3. Failure to provide subsequent physician's certifications for an approved sick leave for medical treatment.
  - C. The appointing authority may investigate to determine if an application for sick leave is for a bona fide illness. Requests may be denied or allowed depending on results of such investigation.
- (7) Overpayment. If an employee fails to submit a physician's certificate or a written, signed statement verifying illness, or if an application for sick leave is denied and as a result the employee has been overpaid, the employee will be responsible for the repayment of the overpayment.
- (8) Abuse of sick leave. Any employee failing to comply with sick leave rules and regulations shall not be entitled to sick leave pay. Application for sick leave with intent to defraud may result in disciplinary action, up to and including termination.
- (9) Transfer of accumulated sick leave from prior public employer. An employee, who has separated from another public employer and becomes employed with the County of Summit, shall be credited with the unused balance of accumulated sick leave up to the maximum of sick leave accumulation permitted by the County of Summit, provided that the employee has separated from the prior employment within the last ten (10) years.
- (10) Sick leave conversion at retirement/death. Employees at the time of retirement from active service with the County or death shall be paid one-half ( $\frac{1}{2}$ ) of the value of their accrued but unused sick leave credit; however, the maximum of such payment shall not exceed ninety (90) days. A retiring employee shall submit documentation from the Ohio Public Employee Retirement System showing the retirement date of the employee with a request for payment. Legal beneficiaries of a deceased employee shall submit a death certificate with a request for payment. To qualify for such payment, employees shall have had, prior to the date of retirement or death, ten (10) or more years of service with the County, the State or any of its political subdivisions and meet

all requirement criteria as established by the Public Employees Retirement System of the State of Ohio. Such payment shall be based on the employee's rate of pay at the time of retirement or death, and shall eliminate all sick leave credit accrued by the employee.

(d) Leave Donation Program.

(1) Purpose. The purpose of the leave donation program is to allow County of Summit employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extraordinary or severe illness or injury of the employee or the employee's spouse, ~~domestic partner~~ Domestic Partner, child or parent. Spouse, child or parent shall be defined for the purposes of this section as such terms are defined under the Family Medical Leave Act and ~~domestic partner~~ Domestic Partner shall be defined for the purposes of this section as such term is defined in Section ~~169.22(e)(4)~~ 169.02.

(2) Employees eligible to donate leave. County of Summit employees paid by warrant of the Fiscal Officer, except employees of judicial offices, General Health District, Board of Elections, Alcohol, Drug Addiction and Mental Health Services Board, Board of Developmental Disabilities, Children Services Board, Metro Parks Serving Summit County, Port Authority, or Veteran Services Commission, may donate accumulated sick leave to another employee who is also paid by warrant of the Fiscal Officer and (1) may donate accumulated sick leave pursuant to this section, (2) who is otherwise eligible to accrue and use sick leave, and (3) is eligible to receive donated leave.

A. Eligibility to receive donated leave. An employee may receive donated leave upon submission of a written request, supported by proper documentation, to the Executive Director of the Human Resource Commission, or depending on the circumstances, from an immediate family member or other person acceptable to the Executive Director. Following receipt of the request for leave donation by the Executive Director, an employee may receive donated sick leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive the donated leave meets all of the following conditions:

1. The employee has a critical need for the donated leave due to an extraordinary or severe illness or injury of the employee or the employee's spouse, ~~domestic partner~~ Domestic Partner, child or parent, and such extraordinary or severe illness or injury is demonstrated with documentation certified by a medical doctor;
2. The employee has no accrued paid leave or voluntary or mandatory furloughs;
3. The employee has applied for and exhausted any other paid leave, Worker's Compensation or benefits program for which the employee is eligible; and
4. The employee is not paid from a restricted fund, where legal restrictions would prevent an employee from receiving donated leave pursuant to the Leave

Donation Program.

- B. 1. Extraordinary or severe illness or injury. For the purposes of the Leave Donation Program, the following conditions/situations qualify as an extraordinary or severe illness, or injury;
- (A) In-patient care in a hospital or residential care facility for ten (10) or more days, or
  - (B) In-patient care in a hospital or residential medical facility with a prolonged recovery period, or
  - (C) Multiple traumatic injuries with a prolonged recovery period, or
  - (D) In-patient care in hospice, or
  - (E) Out-patient surgery with a prolonged recovery period, or
  - (F) Ongoing outpatient care for a life threatening condition such as cancer.
- For the purpose of this Section, a prolonged recovery period means that it is medically necessary for the employee to be off work for a period of at least ten (10) working days.
2. Use of donated leave. Donated leave may be used for funeral leave due to the death of an employee's spouse, ~~domestic partner~~ Domestic Partner, child or parent. Such leave is limited to a total of five (5) days, and the employee must meet all other eligibility requirements.
- (3) Eligibility to donate leave. An employee may donate sick leave if the donating employee meets all of the following conditions:
- A. The employee voluntarily elects to donate sick leave and does so with the understanding that donated leave will not be returned;
  - B. The employee donates a minimum number of eight (8) hours of sick leave; and
  - C. The employee retains a sick leave balance of at least eighty (80) hours.
- (4) Status of employees on donated leave. Employees using donated sick leave shall be considered in Active Pay Status and shall accrue leave and shall be entitled to all benefits that they are normally entitled to receive. An employee must use all accrued sick leave and donated sick leave before additional donated sick leave may be received. Donated sick leave time shall not be counted toward the probationary period of an employee receiving the donated leave during their probationary period. Donated sick leave shall not be converted to cash as provided in Section 169.22(c)(10).
- (5) Collective bargaining agreements. Members of a bargaining unit may donate or receive accumulated sick leave pursuant to this Leave Donation Program unless a collective bargaining agreement takes precedence.
- (6) Transfer of leave.
- A. The donated leave shall transfer in hours and shall not necessitate any transfer of funds. The hours shall be transferred on an hour- for-hour basis without regard for differences in hourly rate of pay. The donated leave shall be paid by the receiving employee's department at the



employee's base rate of pay.

B. Maximum amount of leave an employee may donate or receive through the Leave Donation Program:

1. Donation. An employee may donate no more than 480 hours of his or her accumulated leave in each calendar year.

2. Receipt. An employee, who otherwise qualifies to receive donated leave pursuant to this Section, may receive no more than two-thousand eighty (2,080) hours of donated leave per qualifying condition. Once an employee has exhausted all donated leave, the employee is not eligible to receive additional donated leave for the same qualifying condition after the employee has been off work for an entire pay period with no paid leave.

(7) Use of Leave. Donated sick leave may be used intermittently only for documented treatment or follow-up care related to the original condition.

(8) Administration. The Human Resource Commission ("HRC") shall administer the leave donation program in accordance with the procedure adopted by the HRC.

(e) Personal Leave. Each calendar year, all employees may elect to use up to three (3) days of accumulated sick leave as personal leave to cover any short-term absence of a personal nature. Personal days must be scheduled and pre-approved by the employee's supervisor and can be used in increments of one quarter hour. Unused personal leave shall revert back to accumulated sick leave; cannot be converted to a cash payment; and, does not carry-over to the following calendar year.

(f) Election Judge Leave. An employee who is granted leave by their appointing authority to serve as a judge on the day of a primary or general election shall be entitled to leave with pay, which shall not be charged against the employee's accrued vacation or personal leave. An employee shall only be eligible if they have combined accrued vacation and sick leave of at least forty (40) hours. An employee requesting leave to serve as an elections judge shall complete an application for leave of absence and submit such with an acknowledgement from the Board of Elections that the employee will be serving as an elections judge. Requests to serve as an elections judge may be granted at the discretion of the appointing authority based upon seniority in a department, division or section. When multiple requests for leave have been submitted, the appointing authority shall have the discretion to deny leave when it would work a manifest hardship on the appointing authority's operations, another employee or when the employee making the request has not discussed the request with their immediate supervisor or director or administrator if the supervisor is absent.

(g) Court Leave.

(1) Personal. When it is necessary for an employee to appear in court or attend a hearing that is of a personal nature during the employee's regular scheduled hours of work, vacation or personal leave may be used. Such instances would include, but are not limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

(2) Non-personal. The appointing authority shall grant court leave with full pay to an employee who:

A. Is summoned for jury duty by a court of competent jurisdiction; or

- B. Is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to require the attendance of witnesses, where the employee is not a party to the action.
- (3) Compensation. Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be turned over to the appointing authority or their designee for transmittal to the County Fiscal Officer.
- (4) Partial day. An employee released from jury duty or subpoena prior to the end of the scheduled work day, shall report to work for the remaining hours, unless otherwise specified by the appointing authority.
- (h) Military Leave – Reservist.
- (1) Length. All regular employees who are reserve members of the Ohio National Guard, defense corps, naval militia, or members of other reserve components of the armed forces of the United States, are entitled to military leave of absence from their County duties without loss of pay, for such time as they are in the military service on field training, active duty or emergency leave when so ordered by the Governor of the State of Ohio, for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours for each calendar year. The County of Summit may, by resolution, extend the leave without loss of pay.
- (2) Compensation. Except as otherwise provided in subsection (h)(3), any regular employee who is entitled to the leave provided under Section (h)(1), and who is called or ordered to the uniformed services, as defined in Section 5923.05 of the Ohio Revised Code, for longer than a month, for each calendar year in which the employee performed service in the uniformed services as amended, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Ohio Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:
- A. The difference between the regular employee's gross monthly wage or salary as a regular employee and the sum of the regular employee's gross uniformed pay and allowances received that month;
- B. Five hundred dollars.
- (3) Limitation on compensation. No regular employee shall receive payments under Section (h)(2) if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a regular employee for that period or if the regular employee is receiving pay under Section (h)(1).
- (4) Request for leave. Employees are required to submit to their Appointing Authority and/or supervisor a published order authorizing the call or order to the uniformed services or statement from the appropriate military commander as evidence of military duty before military leave shall be granted. This evidence shall accompany the standard County leave request

form.

- (5) Health insurance. Employees will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee was covered while employed, until such employee is eligible for military health insurance for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours.
  - (6) Accrual of leave time. Employees on approved leave of absence for reserve military service for field training or active duty shall continue to accrue vacation and sick leave at their current rates for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours within each calendar year. If leave is extended beyond one month, the employee will no longer accrue vacation and sick leave.
  - (7) Collective bargaining agreement. Any regular employee whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.
- (i) Military Leave - Full-time Active Duty.
- (1) Eligibility. All full-time employees, as defined in Section 169.05(a)(1), who have held a position of at least ninety (90) days shall be granted a military leave of absence without pay to be inducted or otherwise enter full-time military duty and shall be considered as a separation from County service with reinstatement rights.
  - (2) Reinstatement. The terms and conditions of reinstatement are governed by the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4333, 5 U.S.C. 8432, as amended, and any other applicable Federal and State of Ohio law, as amended.
  - (3) Health insurance. Employees will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee was covered while employed, until such employee is eligible for military health insurance for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours.
- (j) Family Medical Act Leave.
- (1) Policy. It is the policy of the County of Summit to comply with the Family Medical Leave Act (5 U.S.C. §§ 6381-6387, 26 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654, as amended) ("FMLA"). In the event of any conflict between this Ordinance and the applicable law, employees will be afforded all rights required by law. This Ordinance is intended to be a summary of the rights and obligations of the employee and the County contained in the FMLA regulations. In any particular case, the precise rights and obligations of the employee and the County shall be governed by FMLA regulations themselves.
  - (2) Eligibility. To be eligible for benefits under the FMLA, an employee shall:
    - A. Have been employed by the County of Summit for at least twelve (12) months;

- B. Have worked at least 1,250 hours over the previous twelve (12) months period immediately preceding the date when the requested leave would begin;
  - C. Submit the request to the Appointing Authority on the appropriate form at least thirty (30) days prior to the requested time off for foreseeable leave or as much notice as is practicable under the circumstances for unforeseeable leave; and
  - D. Submit the completed necessary certification forms to verify the need for leave.
- (3) Calculation of the twelve weeks. An employee is entitled to twelve (12) weeks of FMLA leave within a twelve (12) month period during the year beginning on the first date FMLA leave is taken; the next twelve (12) month period would begin the first time FMLA leave is taken after the completion of any previous twelve (12) month period.
- (4) Reasons for leave. An eligible employee shall be entitled to FMLA leave for one or more of the following reasons:
- A. Birth of the employee's child and care of the infant.
  - B. Placement of a child with the employee and/or ~~domestic partner~~ Domestic Partner for adoption or foster care. Leave taken for the purposes described in subsections (j)(4)A. and 4.B. must be taken within twelve (12) months of the birth or placement of the child. Intermittent leave after the birth or placement of a child may only be taken upon approval of the appointing authority.
  - C. To care for a spouse, ~~domestic partner~~ Domestic Partner, child or parent only with a serious health condition; or
  - D. The employee's own serious health condition which makes the employee unable to perform the essential functions of his or her job.
  - E. A qualifying exigency related to an employee's spouse, ~~domestic partner~~ Domestic Partner, child or parent's call to active duty as a service member in the Armed Forces.
  - F. To care for a covered service member with a serious injury or illness incurred in the line of duty. Under this provision, the employee is entitled to up to twenty-six (26) weeks of leave during a single twelve (12) month period.
- (5) Health benefits. Employees granted FMLA leave shall continue to receive group health insurance coverage for the duration of the leave as long as the employee continues to make the employee's contribution to the plan. However, those persons who fail to return to work, for reasons other than a continued serious health condition, shall be required to reimburse the County for the cost to the County of the insurance premiums paid for the employee's health insurance coverage during the leave period.
- (6) Reinstatement. Upon return from FMLA leave, the employee shall return to the employee's original or equivalent job with equivalent status, pay, benefits and other employment terms and conditions.
- (7) Use of paid time off. FMLA leave shall run concurrently with any leave. If an employee has accrued leave, that time shall be counted as part of the twelve (12) weeks of FMLA leave. Employees are required to use all accumulated leave while the employee is on FMLA leave. Employees on FMLA leave shall be required to use paid leave in the following order: mandatory

furlough, sick leave, compensatory leave, birthday, vacation, voluntary furlough.

- (8) Worker's Compensation Leave. FMLA leave shall run concurrently with worker's compensation leave unless an employee's collective bargaining agreement specifically states otherwise.
  - (9) Spouses or ~~domestic partner~~ Domestic Partner employed by the County. Spouses or ~~domestic partner~~ Domestic Partner employed by the County who are eligible for Family Medical Leave are entitled only to a combined total of their Family Medical Leave for the birth of a child, adoption or placement of a child in foster care, to care for a parent with a serious health condition or to care for a covered service member.
  - (10) Fraudulently obtaining or using FMLA leave is prohibited. Any employee found to be in violation of this section shall be subject to discipline up to and including termination.
  - (11) Administration of FMLA leave. FMLA leave shall be administered by the Human Resource Commission ("HRC") in accordance with the procedure adopted by the HRC.
- (k) Unpaid Leave of Absence.
- (1) An Appointing Authority can grant an unpaid leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee. Such a leave may not be renewed or extended beyond six months. When an employee requests a leave of absence, the Appointing Authority must assure that such leave does not fall within existing leave policies and does not cause a hardship to the operations of the County.
  - (2) Leave may be granted for a maximum period of two (2) years for purposes of education, training, or specialized experience which would be of benefit to County service by improved performance at any level; or for voluntary service in any governmentally-sponsored program of public betterment.
  - (3) Except for emergencies, employees must submit all leave of absence requests in writing and no later than sixty (60) days prior to the commencement of the desired leave.
  - (4) The authorization of a leave of absence without pay is a matter of administrative discretion. The Appointing Authority will decide in each individual case if a leave of absence is to be granted.
  - (5) Upon completion of a leave of absence, the employee will be returned to the same or similar classification held prior to the leave of absence.
  - (6) The employee must give at least two (2) weeks notice of his/her intention to return to work. If an employee fails to return to work or notify his/her supervisor in writing of his/her intentions within three (3) consecutive working days after the date the employee-requested leave expires or the employer-initiated leave is discontinued, he/she will be considered absent without official leave and subject to termination.
  - (7) An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by his or her Appointing Authority.
  - (8) Individuals who are hired on a temporary basis to fill a position vacated by an employee who has been granted a leave of absence, shall be notified in writing that the position reverts to the previous incumbent upon his/her return from leave. Copy of such

notification shall be made a part of the employee's file.

(l) Administrative Leave. Administrative leave is a leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the County's best interest to retain the employee relationship for a period of time to be determined by the County.

- (1) Administrative leaves may be initiated by the County, pending the outcome of a pre-disciplinary conference and/or possibly disciplinary action, for special circumstances that may be, but are not limited to:
  - A. Necessity to remove an employee from the work place while an internal investigation/review ensues;
  - B. Emergency conditions where no other administrative option exists;
  - C. Best Interest of the County - The County, upon the review of the Appointing Authority, the Department of Human Resources and/or the Department of Insurance and Risk Management may place an employee on administrative leave when the employee's presence in the workplace may result in damage to property, or injury to the employee or others, or would seriously impair the operations of the County, its morale and/or delivery of services, or it has been determined that it is in the best interest of the County to do so. All disciplinary procedures may be circumvented in these situations to protect County personnel and citizens.
- (2) The decision of whether an administrative leave initiated by the County shall be paid or unpaid rests with the County and depends on the circumstances surrounding the request for leave. An employee shall retain benefits while on an Administrative Leave. In the event the employee's pay is not sufficient to cover the employee's portion of the premium cost, the employee must make direct payment to the County for their portion of the premium cost within thirty (30) calendar days.
- (3) Administrative leave approval shall be at the County's discretion; and in collaboration with the Director of the Department of Human Resources or designee, the Appointing Authority, and may also include the Insurance and Risk Management Department and legal management.
- (4) Administrative leave is not accrued.
- (5) Administrative leaves do not qualify for the County Leave Donation Program.
- (6) An employee may be separated, if during the administrative leave, he/she accepts other employment without prior approval of the County, or files for unemployment compensation, or if, upon return from leave, he/she refuses a job reassignment from the County.
- (7) An administrative leave for investigative/review purposes shall not be given for a predetermined length of time, but shall be in effect long enough to conclude the investigation/review.
- (8) Return of County Property. Staff placed on Administrative Leave shall return all County property on or before the last work day, or when commencing Administrative Leave.

(m) County Emergency Leave. In the event that the County Executive declares that a state of emergency exists in the County, such as a pandemic, natural

disaster, terrorist act or other emergency condition for which it is necessary to close County offices, employees shall be entitled to leave with pay until such emergency condition has ended and County offices are reopened.