

BELMONT COUNTY BOARD OF COMMISSIONERS

PERSONNEL POLICY MANUAL

SECTION 6

ABSENCES

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- A. All full-time employees (in active pay status the entire regularly scheduled work day immediately preceding and subsequent to the holiday) are entitled to the following holidays:

New Year's Day	First day of January
Martin Luther King Day	Third Monday of January
Presidents' Day	Third Monday of February
Memorial Day	Last Monday in May
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	Eleventh day of November
Thanksgiving Day	Last Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	Twenty-fifth day of December

- B. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday. However, if an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for the day on which the holiday falls, regardless of the day of the week on which it is observed.
- C. In observance of each authorized holiday, full-time employees will normally be granted the day off from work, with straight time pay, provided they are not employed in one of the twenty-four (24) hour, seven (7) day per week facilities.
- E. If a holiday occurs while an employee is on vacation or sick leave, such vacation or sick leave day will not be charged against his or her vacation or sick leave balance. Such vacation day may be taken at a later date in accordance with the policy on vacation usage.
- F. If a full-time non-exempt employee is required to work on one of the above holidays, he or she shall be paid at the rate of one and one-half (1 1/2) times his or her regular hourly earnings. This premium pay for working the holiday will be in addition to the employee's straight time holiday pay.
- G. In addition to the holidays specified in this policy, the Employer may recognize any day appointed and recommended by the President of the United States or the Governor of the State of Ohio, or any day created through legislation. The decision to recognize these additional holidays lies solely with the Employer.

- H. Holidays and holiday pay for bargaining unit employees are governed by the terms of the applicable collective bargaining agreement.

A.

1. Forty (40) hour full-time County employees are eligible for paid vacation leave according to the following eligibility guidelines:

After 1 year service 80 hours vacation (3.1 hours per pay period)
After 8 years' service.....120 hours vacation (4.6 hours per pay period)
After 15 years' service.....160 hours vacation (6.2 hours per pay period)
After 25 years' service.....200 hours vacation (7.7 hours per pay period)

2. Thirty-five (35) hour full-time County employees are eligible for paid vacation leave according to the following eligibility guidelines:

After 1 year service 70 hours vacation (2.7 hours per pay period)
After 8 years' service.....105 hours vacation (4.0 hours per pay period)
After 15 years' service.....140 hours vacation (5.4 hours per pay period)
After 25 years' service.....175 hours vacation (6.7 hours per pay period)

3. With the approval of the appointing authority, employees shall take one (1) week continuous vacation unless the employee has completed fifteen (15) years of service which shall be two (2) weeks of continuous vacation. All other time shall be taken upon approval of the appointing authority.

Vacation leave shall only be accumulated while an employee is in active pay status. Full-time employees who are in active pay status for less than their number of regularly scheduled hours in any pay period will have their vacation accrual prorated for the pay period.

- B. No employee will be entitled to vacation leave under any circumstances until he or she has completed one (1) year of employment with the County.

- C. Vacations are scheduled in accordance with work load requirements of the Employer. For this reason, it is important that vacation requests be made as far in advance as possible. The Employer reserves the right to approve or deny vacation requests.

Vacation Preference and Procedure for Application

1. All requests for vacation must be submitted prior to February 1 of each year, on the prescribed forms attached.

2. All vacation dates are subject to the approval of the Appointing Authority or his/her designee.
 3. It is recognized that certain types of vacation can be planned as much as eight (8) months in advance and others not until possibly one (1) month in advance. All employees are urged to request vacation as much in advance of the desired period as possible. Certain functions require one (1) or more persons on the job for proper operation and employees are expected to bear this in mind in correlating vacations. Vacation requests not submitted prior to February 1 will be granted according to date of request.
 4. Employees are urged to use the bulk of their earned vacation in blocks of days equaling one (1) week or more. Consideration will be given to those employees who want to use a small portion of overall vacation time on intermittent days as the need arises and with advance approval from the Appointing Authority.
- D. Vacation leave is earned while on paid leave, but additional vacation leave is not accrued through the working of overtime.
- E. Vacation leave is to be taken within the twelve (12) months following the employee's anniversary date. The Employer may authorize vacation carry over from year to year; however, vacation leave shall not be carried over for more than three (3) years. An employee is entitled to compensation, at his or her current rate of pay, for the prorated portion of any earned but unused vacation leave for the current year to his or her credit, at the time of separation, transfer to another appointing authority, or retirement, and in addition, shall be compensated for any unused vacation leave accrued to his or her credit, with the permission of the Employer for up to three (3) years immediately preceding the last anniversary date of employment.
- F. On and after October 25, 1995, employees will receive credit for prior service with the state or any political subdivision of the state for the purpose of vacation accumulation, per ORC 9.44. Notwithstanding the above, if any person removed for conviction of a felony "within the meaning of RC 124.34" is subsequently reemployed by the County, such person is only qualified to accrue vacation as if he or she were a new employee receiving no prior service credit.
- G. Vacation rights for bargaining unit employees are governed by the terms of the applicable collective bargaining agreement.
- H. The pyramiding of pay is prohibited.

Original Adoption Date: _____ Revision Date: _____

- A. Sick leave is a benefit and the usage of sick leave is not an entitlement. Sick leave may be requested for the following reasons:
1. Illness or injury of the employee or a member of his or her immediate family (in case of a member of the immediate family not living in the same household, the appointing authority may credit sick leave when it is justified, and such cases may be investigated).
 2. Medical, dental, or optical examinations or treatment of the employee or a member of his or her immediate family.
 3. If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee, or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others.
 4. Pregnancy and/or childbirth, and other conditions related thereto, including leave where the employee's presence is reasonably necessary for the health and welfare of the employee or affected immediate family member.

For purposes of this policy, the immediate family is defined as only: spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, stepchildren, step-siblings, legal guardian or other person who stands in the place of a parent.

- B. An employee requesting sick leave shall inform his or her immediate supervisor or other designated person of the fact and the reason within one-half (½) hour after his or her scheduled starting time. Employees who work in a twenty-four (24) hour per day, seven (7) day per week program (e.g., 9-1-1, Sheriff) must provide a one (1) hour prior to his or her scheduled starting time notification. Failure to properly notify the designated person on the first day of illness may result in denial of sick leave for the period of absence. Subsequent notification beyond the first day of absence will be governed by the nature of the circumstances and the requirements established by the employee's appointing authority. Failure to do so may result in denial of sick leave for the period of absence. In the case of a condition exceeding three (3) consecutive days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery will be required. The employee will submit to such medical examination, nursing visit, or other inquiry which the Employer deems necessary.

- C. For each completed eighty (80) hours (including overtime) compensated, an employee earns 4.6 hours of sick leave (70 hours earns 4.0 hours of sick leave). Active pay status is defined as hours during which an employee is eligible to receive pay, such as hours worked, hours on vacation, hours on holiday leave, hours on compensatory time, and hours of paid sick leave. Other than full-time employees will be credited with sick leave on a basis proportionate to the hours paid each pay period.
- D. Sick leave shall be charged in minimum amounts of one half (1/2) hour. Employees absent on sick leave shall be paid at the same basic hourly, daily, or biweekly rate as when they are working. The amount of sick leave time any one (1) employee may accrue is unlimited.
- E. When an employee returns to work following an absence, such employee must first report to his or her supervisor or other designated person. Each employee returning to work must complete a Request for Leave Form to explain the reason for his or her absence. Any additional written documents which substantiate the employee's reason for absence should also be submitted at this time. This information will be reviewed by the Employer or his or her designee to determine if the absence will be approved.
- F. Physician Statement. If medical attention is required, the employee will be required to furnish a statement from a licensed practitioner notifying the Employer that the employee was unable to perform his/her duties. Where sick leave is requested to care for a member of the immediate family, the Employer may require a licensed practitioner's certificate to the effect that the presence of the employee is necessary to care for the ill person, or in the case of childbirth and other conditions relating thereto, during the postnatal period.
- G. Physician Examination. Should conditions warrant it, the Employer may require an employee to take an examination, conducted by a licensed practitioner, to determine the employee's physical and/or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed, by the Employer, on an involuntary disability separation. The cost of such examination will be paid by the Employer.
- H. Expiration of Sick Leave. If illness or disability continues beyond the time covered by accumulated sick leave, the employee may utilize any accrued but unused vacation leave he or she has to their credit. An employee who has exhausted all sick leave and vacation leave credits may, if appropriate, request available but unused Family and Medical Leave, or a disability leave of absence without pay for

a period not to exceed six (6) months, or a voluntary disability separation if the illness or disability is expected to exceed six (6) months.

- I. Abuse of Sick Leave. Employees intentionally failing to comply with sick leave rules and regulations shall not be paid. Employees who demonstrate a pattern of sick leave abuse may be disciplined. Application for sick leave with intent to defraud will result in discipline up to and possibly including termination, and will also require a refund of salary or wage paid. Altering a physician's certificate or falsification of a written, signed statement shall be grounds for discharge.

- J. Employees who transfer between County departments or agencies, or from another public agency, or who are reappointed or reinstated, will be credited with the unused balance of their accumulated sick leave credit, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under ORC 124.39. The words public agency as used above means those entities required to provide sick leave under ORC 124.38 and 124.382, including the state, counties, municipalities, boards of education, civil service townships, etc., within the state. Villages, private industry councils, libraries organized as non-profit corporations, and other entities not required to provide sick leave under ORC 124.38 or 124.382 are not public agencies. Notwithstanding the above, or Section 6.4 - Sick Leave Conversion, if any person removed for conviction of a felony within the meaning of R.C. 124.34 is subsequently re-employed by the County, such person is only qualified to accrue sick leave as if he or she were a new employee receiving no credit for prior service.

- K. Sick leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.

- A. A County employee, with ten (10) years of service who retires in accordance with the provisions of PERS or any retirement plan offered by the state, shall be paid one-fourth (1/4) of the value of his or her earned but unused leave credit. The maximum of such payment, however, shall be for thirty (30) days' of sick leave.
- B. Such payment shall be based on the employee s hourly rate of pay at the time of retirement.
- C. Such payment shall be made only once and shall eliminate all sick leave credit accrued by the employee.
- D. Eligible County employees retiring from active service shall request such payment in writing, in order to initiate the payment process.
- E. The beneficiary of a deceased employee shall be eligible for the sick leave conversion benefits for which the employee would have otherwise qualified in accordance with Paragraph A above. Such payment shall be made in accordance with Section 2133.04 O.R.C., or paid to the employee s estate.

Original Adoption Date:_____ Revision Date:_____

- A. In the event of the death of a member of an employee's immediate family, the employee shall be granted up to five (5) consecutive work days of sick leave to attend the funeral, make funeral arrangements, and carry out other responsibilities related to the funeral. A sick leave request form must be completed by the employee.

- B. If no sick leave balance exists at the time of such bereavement, the employee, with approval of the appointing authority, shall be authorized to take a leave of absence without pay not to exceed five (5) consecutive workdays. A written request for leave shall be completed by the employee.

- C. Bereavement leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.

Original Adoption Date: _____ Revision Date: _____

- A. The Employer shall compensate employees for regularly scheduled working hours on any day an employee is subpoenaed for court or jury duty by a federal, state, or any municipal court. All compensation received for court or jury duty is to be remitted by the employee to the Employer for deposit with the County Treasurer, unless the court or jury duty is performed totally outside normal working hours. Employees released from court or jury duty prior to the end of their scheduled work day shall report to work for the remaining hours of their shift.
- B. Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases being heard in connection with the employee's own personal matters. These absences shall be considered leave without pay or vacation, as scheduled in advance with the Employer.
- C. It is understood that any employee released from jury duty prior to the end of his/her scheduled workday shall report to work for the remaining hours. Court leave for bargaining unit employees is governed by the terms of the applicable collective bargaining agreement.
- D. The time an employee spends at court jury duty or court service shall not be considered hours worked for purposes of calculating overtime, unless such court time is directly related or is an integral part of the employee's work duties.

Original Adoption Date: _____ Revision Date: _____

A. POLICY

1. Active Duty Leave Military Leave is governed by both state and federal laws. In general, any employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to the employee's former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within 30 days after their written request, provided such request is submitted within the statutorily required period following discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting seniority status, rank, rating, increments, qualifications, etc., as though they had been continually employed.
2. Military Reserve Leave R.C. 5923.05 requires that permanent public employees, who are members of Ohio National Guard, Ohio Organized Militia, or other reserve components of the armed forces of the United States be authorized up to 176 hours of leave without loss of pay per calendar year for military duty or training. This payment is in addition to the gross uniformed pay and allowances the employee receives from the military.
3. Military Reserve Leave In Excess Of 176 Hours Any permanent public employee called to military duty for a period in excess of the 176 hours 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 R.C. Section 5919.29, is entitled to be paid the difference between the employee's gross monthly wage or salary and the gross uniformed pay and allowances up to \$500.00 per month. If the gross uniformed pay and allowances equals or exceeds the employee's regular gross monthly wage or salary normally paid by the Employer, the employee is not entitled to any additional compensation from the Employer after being compensated for the initial 176 hours per calendar year. This payment will continue until the order or act is withdrawn for the employee.
4. Request For Leave Employees are required to submit to the Employer a copy of the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete and submit a request for leave form.

B. PROCEDURE

1. Employees are required to submit to their department head a copy of their military orders and a completed Request for Leave Form outlining the anticipated duration of the military leave.

- A. Upon the advanced written request of a permanent employee, the Employer may grant the employee a leave of absence without pay. The maximum duration of a leave of absence without pay for personal reasons of the employee shall not exceed six (6) months. The maximum duration of a leave of absence without pay for purposes of education, training, or specialized experience which would benefit County service, or for other related reasons shall not exceed two (2) years. The authorization of a leave of absence without pay is solely a matter of administrative discretion, and each request will be decided by the Employer based upon its own merits. Whenever possible, any request for a leave of absence without pay must be made at least sixty (60) days prior to the commencement of the desired leave.
- B. Upon returning from a leave of absence, the employee is to be placed in his/her original position, or another position at a similar level of responsibility should the original position be abolished. When an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee may be removed for neglect of duty.
- C. Because they are not in an active pay status, employees who are granted an authorized leave of absence without pay do not earn sick or vacation leave credit. Additionally, they do not qualify for other benefits such as paid holidays, paid health care coverage, etc. Time spent on the approved leaves of absences is to be counted when determining length of service for purposes where tenure is a factor provided the employee follows all procedures.
- D. An employee who has received an authorized leave of absence without pay may be eligible for continuation coverage as required by federal law and as outlined in the Plan policy. Such continued coverage would be totally at the employee's expense and payment would be submitted to the County in accordance with the information the employee would receive on his COBRA rights.
- E. If it is determined that an employee is abusing the leave of absence and not actually using the leave for the purpose specified, the Employer may cancel the leave and provide the employee with a written notice directing the employee to report for work.
- F. All leaves shall be for a continuous period of time (e.g., weeks, months). No leave shall be granted for an intermittent period in order for an employee to remain on payroll for the purpose of the continuation of health care or other benefits provided to employees in an active pay status.

- G. Leave of absence without pay for bargaining unit employees is governed by the applicable collective bargaining agreement.

This section outlines the conditions under which disability leave and separation without pay may be granted, and procedures for administering its use.

A. Voluntary Reduction

When an employee becomes physically unable to perform the essential functions of his/her position, but is still able to perform the essential functions of a vacant, lower level position, he/she may voluntarily request reduction to the lower level position. An employee shall submit a request in writing to the Employer, stating the reason for the request. Such request must also be accompanied by a physician's statement. The approval of such requests shall be left entirely to the discretion of the Employer and shall be based upon operational needs and requirements.

B. Voluntary Disability Separation

1. An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his or her inability to perform the essential job duties of his or her position due to such disabling illness, injury, or condition.
2. The appointing authority may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the appointing authority. If the examination supports the employee's request, the appointing authority will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority will not approve the employee's request for voluntary disability separation.
3. An employee who is granted a voluntary disability separation will retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury, or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the rules of the Director of the Ohio Department of Administrative Services.
4. Any employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated from service at the end of the two (2) year period.

C. Involuntary Disability Separation

1. When an appointing authority has reason to believe that an employee is incapable of performing the essential functions of the employee's position due to disabling illness, injury, or condition, the appointing authority may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the appointing authority. It is not, however, necessary for the appointing authority to require the employee to submit to such examination prior to involuntary disability separation if: (1) the employee is hospitalized at the time such action is to be taken, and (2) the employee has exhausted any leave to which he is entitled under the FMLA.
2. When the appointing authority has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, the appointing authority will institute pre-separation proceedings. Under the proceedings, a hearing will be scheduled and advance written notice of at least seventy-two (72) hours will be provided to the employee. At the hearing, the employee will have a right to examine the appointing authority's evidence of disability, to rebut the evidence, and to present testimony and evidence on the employee's own behalf. The employee should also be permitted to waive his right to a hearing.
3. If the appointing authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform the essential functions of his position, the appointing authority will issue an involuntary disability separation order.
4. The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition. The total continuous time of absence due to the disabling illness, injury, or condition will not exceed three (3) years for purposes of reinstatement rights.
5. An employee who is involuntarily disability separated will have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the date the order is served on the employee.

6. The appointing authority will also notify the employee, at the time the involuntary disability separation order is provided to the employee, of the required procedures to apply for reinstatement.
- D. Any appointment made to a position vacated by disability leave or separation will be on a temporary basis, and such employee must be made fully aware of his or her status. Should the employee returning from disability leave or separation be reinstated to another position, the temporary appointment may be made permanent.
- E. Disability leaves and separation for bargaining unit employees are governed by the applicable collective bargaining agreement.

- A. If a weather emergency is declared in Belmont County, the Appointing Official or designee will make a decision regarding closing the office. A weather emergency is where the county or city restricts travel except for emergency vehicles. In such an emergency, when the office is closed, non-essential employees normally scheduled to work will not be required to report to work and will receive pay for the employee s normal day.

Statewide, there are three (3) snow emergency levels that the County Sheriff can declare.

1. Level I Snow Emergency County and township roads are hazardous with blowing and drifting snow. Roads are also icy and drivers should use caution.
2. Level II Snow Emergency County and township roads are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the county and township roads. Listen to radio stations and/or contact employers to see if you should report to work.
3. Level III Snow Emergency All county and township roads are closed to non-emergency personnel. No one should be out unless it is absolutely necessary to travel. All employees should listen to radio stations and/or contact employers to see if they should report to work. Those traveling on county and township roads may subject themselves to arrest.

The above snow emergency levels declared by a sheriff should not be confused with a State of Emergency which may be issued by elected officials of the affected jurisdiction (mayor, county commissioners, township trustees, etc.). A State of Emergency is generally not issued unless local resources are not adequate to handle the emergency or disaster and state assistance is needed. The office will automatically be closed to the public during a declared Level III Snow Emergency or when a State of Emergency is declared in Belmont County.

- B. During a countywide emergency, employees shall comply with the following:
1. Employees and the general public may be advised not to leave the premises because of severe weather or other emergency conditions continuing after regular working hours. Remaining on the premises after hours will not entitle employees to overtime compensation or compensatory time unless they

remain at work because they are required by department head direction to assist during the emergency situation.

2. An employee on sick leave or vacation status at a time of emergency closing will not be affected and will have his/her sick leave or vacation account charged accordingly.
 3. Part-time employees who are scheduled to work will be treated in the same manner as full-time employees for purposes of this section. (Hours paid will not exceed the employee s scheduled number of work hours.)
 4. Certain designated employees of the Appointing Authorities may be considered essential employees under this section and are responsible for responding to emergency situations and snow/ice removal as directed.
- C. Employees who are not able to report to work due to weather conditions when no weather emergency has been declared may, at their supervisor s direction, make up the lost hours within the same workweek or use other available leave time not including sick leave.
- D. Notwithstanding the provisions above, the Employer retains the right to close the department offices, or to remain open during periods of inclement weather or other emergency conditions, at his/her discretion and based upon operational needs and work load requirements. Employees required to work during emergency conditions shall not be entitled to any additional compensation.

A. Statement of Policy.

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

B. Definitions.

As used in this policy, the following terms and phrases shall be defined as follows:

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee’s child and in order to care for the child.
 - b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of his position because of the employee’s own serious health condition.
 - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee

takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.

4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than three consecutive calendar days that also involves:
 - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
 - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).

5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. “Covered Service Member”: Means either:
 - a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
 - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. “Next of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A “serious injury or illness”, for purposes for the 26-week military caregiver leave means either:
 - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service

in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

- b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. "Covered Active Duty" or "call to covered active duty":

- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.)
- b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to

active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. “Deployment to a foreign country” means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.
13. “Qualifying Exigency”: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:
 - a. Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days notice.
 - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
 - c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
 - d. Making or updating financial and legal arrangements to address a covered military member’s absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
 - e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
 - f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may

be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.

- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

C. Leave Entitlement.

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with

- c. the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

D. Use of Leave.

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. **Generally:** An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. **Birth of An Employee's Child:** An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*
3. **Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

E. FMLA and Disability/Workers' Compensation.

An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using

worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

F. Procedures for Requesting FMLA Leave.

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

G. Certification of Need for FMLA Leave for Serious Health Condition.

An employee requesting FMLA leave due to his family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

H. Certification for leave taken because of a qualifying exigency

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

I. Intermittent/Reduced Schedule Leave.

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the

employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Executive Director.

Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Executive Assistant or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

J. Employee Benefits.

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA

leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

K. Reinstatement.

An employee on FMLA leave must give the Employer at least two business days' notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider

that the employee is able to perform the essential functions of his position, with or without reasonable accommodation.

L. Records.

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

- A. Employees are expected to communicate all absences to their supervisor or Human Resources department in a timely manner and as outlined under the appropriate sections of this policy manual.
- B. If an employee fails to follow the appropriate leave procedure as outlined in this manual, has exhausted all forms of paid leave, and is not eligible for authorized unpaid leave, he or she will be considered absent without leave (AWOL). Employees in AWOL status will be subject to discipline in accordance with Section 8 of this policy manual.
- C. Job Abandonment: An employee who is habitually in AWOL status or AWOL for three (3) or more successive duty days will be considered to have abandoned his or her job and may be subject to removal for neglect of duty. This rule does not require the appointing authority to initiate removal action if it is determined to be unwarranted nor does it preclude removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the appointing authority of the agency.

- A. The Belmont County Board of Commissioners may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Appointing Authority completes the predisciplinary process, investigates the alleged infraction, and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.
- B. The Belmont County Board of Commissioners may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the appointing authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.