

FAMILY AND MEDICAL LEAVE ACT

Wilson County will grant unpaid family and medical leave for the reasons specified in the federal Family and Medical Leave Act (FMLA) or according to applicable state laws.

If an employee has worked for the County for a minimum of twelve (12) months, and 1250 hours in the past twelve (12) months, the employee is eligible for family and medical leave. If the employee is eligible for family and medical leave, the employee is entitled to twelve-(12) week's leave in a twelve-month period, according to the rolling method of calculating twelve (12) months.

Leave for serious health conditions may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary. If the employee requests intermittent leave or leave on a reduced schedule, Wilson County may require that the employee transfer to a temporary, alternative job for which the employee is qualified and that better accommodates the intermittent or reduced hour leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job.

If the employee and the employee's spouse are employed by Wilson County, they are entitled to combined leave of up to sixteen (16) weeks in a four (4)-month period for the birth, adoption or placement of a child for foster care or to care for a sick parent.

In order to prepare for the employee's absence during family and medical leave, Wilson County requires thirty (30) days' written notice of the employee's intention to take leave, signed by the department head prior to the date leave is to begin. If, due to emergency or unforeseen circumstances, the employee is unable to provide such notice before taking leave, notice as soon as possible and practical is acceptable. Certification according to the FMLA is mandatory.

If the County finds reason to doubt the validity of the certification, it may require, at its own expense, a second medical opinion from a health care provider designated or approved by the County, but not regularly employed by Wilson County.

Should the second opinion differ from the original certification provided by the employee, Wilson County may, at its own expense, require that the employee obtain a third opinion. The opinion of the third health care provider, designated or approved by both the County and the employee, is final and binding.

Wilson County may require recertification of the continued need for leave every fourteen (14) days while the employee is on leave.

At the end of family and medical leave, the employee will be returned to the position he/she held when leave began or will be given an equivalent position with like employment benefits, pay, and other terms and conditions of employment. No benefits that accrued prior to taking leave will be lost because family and medical leave is taken. However, the employee will

not be entitled to accrue further seniority or employment benefits while on leave. In addition, the employee is not entitled to any right, benefit, or position of employment other than a right, benefit, or position of employment to which the employee would have been entitled if he/she were not on leave.

If the employee is designated a key employee, he/she may not be entitled to return to the same job following family and medical leave. Should the County determine that substantial and grievous economic injury would result from reinstatement at the scheduled end of leave, the employee will be notified of that fact in writing and will be given an opportunity to end the leave and return to work. If the employee remains on leave after receiving notice and the opportunity to return to work, he/she will not have a right to be restored to employment at the end of the leave.

If family and medical leave is taken because of the employee's serious health condition, the employee is required to provide certification prior to returning from leave that he/she is able to resume work.

If the employee does not return to work at the expiration of family and medical leave, Wilson County will require the repayment of health insurance premiums it paid on the employee's behalf during the leave period. Reimbursement will not be required if the employee does not return from leave because of the continuance, recurrence, or onset of a serious health condition that prevents the employee from performing his/her job or because of further circumstances that are beyond the employee's control.

Family and medical leave is unpaid leave. Although the County will not require the use of accrued paid leave by the employee, the employee may elect to use accrued paid leave during family leave or medical leave.

If the employee is requesting leave for planned medical treatment, either for the employee or a family member, after consulting with the treating physician, the employee may be asked to make a reasonable effort to schedule the treatment so as not to disrupt the County operations.