

SECTION 10C – COORDINATION AND CONTINUATION OF LEAVE AND BENEFITS

- A. **Family & Medical Leave (Non-Paid Leave):** It is the policy of Sevier County to comply with all current requirements and laws of the Family and Medical Leave Act (FMLA). See Sevier County Human Resources or visit the U.S. Department of Labor (DOL) website at <https://www.dol.gov/whd/fmla/> for current information on FMLA.
1. **Measuring method:** Sevier County calculates FMLA eligibility on a “rolling” 12-month period measured backward from the date an employee first takes FMLA leave.
 2. **Employee/Employer Responsibilities:**
 - (a) Employees should ordinarily notify their supervisor and/or Human Resource Director thirty (30) days in advance of the commencement of the leave when the need for the leave is foreseeable. If the need for leave is not foreseeable, the employee must give notice as soon as practicable. At the time of notification, the employee will need to complete the FMLA packet provided in the Human Resource office or county website.
 - (b) Employees may be required to provide medical certification completed by a care provider supporting the need for medical leave and the probable duration of the leave due to a serious health condition affecting the employee or an immediate family member. If such certifications are required, the employee has 15 calendar days to comply upon request. The medical certification form is provided in the FMLA packet.
 - (c) Sevier County may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave.
 - (d) A fitness-for-duty certification will be required in order to return to work at the conclusion of the FMLA leave period.
 - (e) Additional unprotected leave extending beyond the 12 or 26 weeks will only be granted upon further review and approval from management.
 3. **Use of Paid Leave:**
 - (a) An employee must use all accrued Paid Time Off (PTO), Extended Illness Bank (EIB) and compensatory time concurrent with FMLA leave and cannot be used to extend beyond the 12 week FMLA protection. After using all PTO, EIB and comp time, the balance of the FMLA leave will be unpaid leave.
 - (b) During FMLA leave, PTO will continue to accrue only during that portion of the leave which is paid by using PTO, EIB and Comp days. During any unpaid FMLA leave, PTO will not accrue. For those employees returning from any unpaid FMLA leave, accrual of PTO will resume immediately upon the employee's return to work. Where the FMLA leave is taken on an intermittent basis or as a reduced-schedule, PTO may continue to accrue during the leave on a prorated basis.
 - (c) Workers' Compensation, Short Term Disability, and Long Term Disability time off will also be counted concurrent with FMLA leave and PTO will not accrue during this time off.
 4. **Spouses Working for the Same Employer:**
 - (a) When spouses both work for the same employer and each spouse is eligible to take FMLA leave, FMLA limits the combined amount of leave they may take for some of the FMLA leave. See FMLA Fact Sheet #28L, FMLA leave for Spouses Working for the Same Employer.
 - (b) **Combined limitations:** Eligible spouses who work for Sevier County are limited to a combined total of 12 workweeks of leave in a 12 month period for the following reasons:
 - for the birth of a child and bonding with the newborn child,
 - the placement of a child with the employee for adoption or foster care and bonding with the newly-placed child, and
 - the care of a parent with a serious health condition.
 - (c) Eligible spouses who work for Sevier County are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered servicemember

with a serious injury or illness if each spouse is a parent, spouse, son or daughter of the servicemember.

- (d) When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons listed above.
 - (e) These limitations do not apply where the reason for the leave is the serious health condition of either of the spouse's or the serious health condition of their child.
 - (f) If either spouse is ineligible for FMLA leave, these limitations on combined leave do not apply. The eligible spouse retains full leave entitlement (i.e., they don't have to split the leave).
5. Benefit Coverage:
- (a) During any FMLA leave, Sevier County will maintain the employee's group medical, dental, vision, life and disability insurance coverage during the entire FMLA leave period under the same conditions that coverage would have been provided if the employee had been continuously employed.
 - (b) Sevier County and the employee will each continue to pay their portion of the benefit costs. In some instances, Sevier County may recover premiums it paid to maintain health coverage on a prorated basis for an employee who fails to return to work from FMLA leave.
 - (c) The County's and employee's contributions to the 401K plan and to the pension plan will continue to be made as long as an employee on FMLA leave continues in pay status.