

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1 APPENDIX H

Policy Type: Employment
Policy Title: Family Leave Care
Policy Number: 400.1 Appendix H
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I. POLICY

The Authority is not required to provide leave under the Family and Medical Leave Act (FMLA); however the Authority may, at the discretion of the Executive Director, allow an eligible employee up to twelve (12) weeks of unpaid leave in any twelve (12) month period for specified family and medical reasons.

A. Eligibility

Eligible employees are those employees employed at least twelve (12) months with the Authority or have worked at least 1,250 hours in the preceding twelve (12) months at the Authority.

B. Serious Health Condition

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care;
2. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
3. A period of incapacity due to pregnancy or for prenatal care;
4. A chronic condition which (a) requires periodic visits for treatment by a health care provider, (b) continues over an extended period of time, and (c) may cause episodic rather than a continuing period of incapacity (e. g. asthma, diabetes, epilepsy, etc.);
5. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective and the employee or family member is under the continuing supervision of a health care provider (e.g. Alzheimer's, a severe stroke, or the terminal stages of a disease);
6. Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in the period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

C. Qualified Health Care Providers

Qualified health care providers include doctors of medicine or osteopathy,

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podiatrists, dentist, clinical psychologists, optometrists, chiropractors, alternative health care providers, nurse practitioners, and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law.

II. Leave Required

Employees may be entitled to twelve (12) weeks of unpaid leave during a twelve (12) - month period for one or more of the following reasons:

1. For birth of a child; and to care for the newborn child;
2. For placement of a child with employee for adoption or foster care;
3. To care for an employee's spouse, domestic partner, son, daughter, or parent who has a serious health condition or who is receiving treatment for substance abuse;
4. For employee's own serious health condition that makes the employee unable to perform the functions of his/her job.

Employees desiring to take unpaid leave should inform the Authority at least thirty (30) days prior to initiating the leave if need for the leave is foreseeable and if not, notice must be given as soon as possible. Employee will provide the Executive Director or designee with a medical certification signed by a health care provider. The Authority shall notify the employee if the employee is qualified for leave.

When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

1. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty.
2. Date when the condition began, expected duration, and appropriate facts about the condition.
3. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
4. For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
5. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the Authority may ask for a second opinion. The Authority will pay for the certification from a second doctor, which the Authority will select. If there is a conflict between the original certification and the second opinion, the Authority may require the opinion of a third doctor. The Authority and the employee will jointly select the third doctor, and the Authority will pay for the opinion. The third opinion will be

considered final.

III. MILITARY CARE GIVER LEAVE

Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:

1. Whether the service member has incurred a serious injury or illness.
2. Whether the injury or illness renders the service member medically unable to perform the duties of the member's position.
3. Whether the injury or illness was incurred in the line of duty while on active duty.
4. Whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list.
5. The probable duration of the injury or illness.
6. The frequency and duration of leave the family member requesting leave will require.
7. The family relationship of the eligible employee to the covered service member.

IV. MAINTENANCE OF BENEFITS

An employee on family care leave shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the Authority. The Authority shall continue paying the employee's benefits during the leave; however, upon employee's return to employment, the employee will reimburse the Authority the cost of maintaining his/her health premiums and other premiums (life, short term disability, long term disability, etc.).

If the employee informs the Authority that he/she does not intend to return to work at the end of the leave period, the Authority's obligation to provide health benefits ends effective from the date of notice by the employee.

Sick leave and vacation benefits will not accrue during period of any unpaid leave under this section.

V. JOB RESTORATION

The employee is entitled to the same or equivalent position at the same geographic location with equivalent benefits and pay unless the Authority determines that:

- The employee was hired for a specific time period,
- The employee is determined to be a "key employee",
- The employee is not fit for duty, or
- The employee would not have been employed at time of request for reinstatement.
- The position has been laid off or eliminated from the Authority's classification system.

The Authority may choose to exempt certain management employees, being "key

employees” from this job restoration requirement and not return them to the same or similar position at the completion of medical leave. Employees who may be exempted will be informed of this status when they request leave. If the Authority deems it necessary to deny job restoration for a key employee on medical leave, the Authority will inform the employee of its intention and will offer the employee the opportunity to return to work immediately. Additionally, the Authority has a right to deny any request for family care leave due to the small size of the Authority work force.

VI. Use of Paid and Unpaid Leave

If an employee has accrued paid leave of less than twelve (12) weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all accrued leave and then will be eligible for unpaid leave.

VII. Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent use of the twelve (12) weeks of family care leave or a part of a reduced work week may be allowed by the Authority. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the Executive Director or designee. Employees may also use family care leave intermittently or as part of a reduced work week whenever it is medically necessary. If the need to use leave is foreseeable and based on pre-planned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the Authority's operations. This provision is subject to the approval of the health care provider.