


<h2 style="margin: 0;">Campbell County Fire Department</h2> <h3 style="margin: 0;">Policy</h3>		
<p>General Administration</p>	<p><i>Family &amp; Medical Leave Of Absence</i></p>	 <p>900.404</p>

**PURPOSE:**

Family and Medical Leave (FMLA Leave)

The Fire Department provides up to 12 weeks of leave to eligible employees for the following reasons:

- A. Incapacity due to pregnancy, prenatal medical care or child birth;
- B. To care for the employee’s child after birth, placement for adoption, or foster care;
- C. To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition;
- D. Serious health condition that makes the employee unable to perform the employee’s job.

**SCOPE:**

This policy applies to all members and employees of the Campbell County Fire Department (CCFD) organization.

**POLICY:**

- A. Military Family Leave Entitlements: Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
  - a. Eligible employees may also take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty. The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- B. Benefits and Protections: During FMLA leave, the Fire Department maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to

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reimburse the Fire Department for payment of insurance premiums during any unpaid portions of the leave. Employees starting unpaid leave should make arrangements with their payroll clerk regarding payment of their Flexible Spending Account.

- a. Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly-compensated employees (key employees) may have limited reinstatement rights. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave. If all or part of the FMLA leave is unpaid, as with other types of unpaid leaves, vacation and sick leave will not accrue during the unpaid portion of the leave. Employees on unpaid FMLA leave will not be eligible to receive other paid leave such as holiday, bereavement, or court duty paid leave.
  
- C. Eligibility Requirements: Employees are eligible if they have worked for the Fire Department for at least 12 months, and for at least 1,250 hours over the previous 12 months.
  
- D. Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities.
  - a. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
  
- E. Use of Leave: The maximum time allowed for FMLA Leave is either, 12 weeks in a 12-month period measured forward from the first day of an employee's FMLA leave, or 26 weeks as explained in paragraph A subsection a. An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Department's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Employees taking intermittent or reduced

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schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the Department's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

- F. **Substitution of Paid Leave for Unpaid Leave:** The Fire Department requires employees to use applicable accrued paid leave, i.e. vacation, sick, and comp time, while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the Fire Department's normal paid leave policies. If an employee fails to follow the applicable policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when applicable paid leave benefits are exhausted.
  
- G. **Employee Responsibilities:** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30-day notice is not possible, employees must provide notice as soon as practicable and generally must comply with the Department's normal call-in procedures. Employees must provide sufficient information for the Fire Department to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform their job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Fire Department if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The Fire Department may require second and third medical opinions at the Fire Department's expense. Documentation confirming family relationship, adoption or foster care may be required. If notification and appropriate certifications are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action. Employees on leave must contact their supervisor at least two days before their first day of return.
  
- H. **The Fire Department's Responsibilities:** The Fire Department will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If an employee is not eligible, the Fire Department will notify the employee that the leave is not FMLA-protected and provide a reason for the ineligibility. The Fire Department will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement.

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- I. Unlawful Acts: FMLA makes it unlawful for the Fire Department to:
  - a. Interfere with, restrain, or deny the exercise of any right provided under FMLA.
  - b. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
  
- J. Enforcement: An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Fire Department. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law which provides greater family or medical leave rights

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