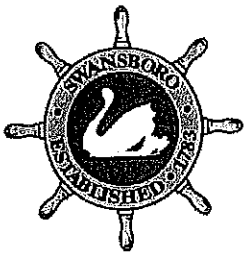



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| <br>Town of Swansboro | <h1>Personnel Policy</h1> |  | Holidays and Leaves of Absence<br>Short-term Disability and Family<br>Leave                     |            |
|  |                           |  | Number: Article<br>VII; Section 19  | Revisions: |
|  | Supersedes:               |  | Approved By:  |            |

## ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

### Section 19. Short-term Disability and Family Leave

The Town will grant up to 12 weeks of family and medical leave per twelve (12) months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA).

The leave may be paid (coordinated with the Town's vacation, compensatory time and sick leave policies), unpaid, or a combination of paid and unpaid. As in the sick leave policy, sick leave is available only upon documented disability of an employee or when an employee must care for a covered family member who is disabled. Sick leave may not be used to care for a healthy new born or healthy children.

Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave, including FLSA compensatory time. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town's Leave without Pay policy.

Eligibility: To qualify for FMLA coverage, the employee must have worked for the Town 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve month period immediately before the date when the FMLA time begins; and must work at a worksite that has at least fifty (50) employees within a seventy-five (75) mile radius. See 29 CFR § 825.110.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Family and medical leave can be used for the following reasons:

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition; or

- d) the serious health condition of the employee.
- e) a military exigency

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation or leave without pay for the remainder of the 12 week FMLA period.

The request for the use of leave must be made in writing by the employee and approved by the department head or Town Manager.

During a single 12 month period, the employee is entitled to a combined total of 26 weeks of all types of FMLA.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12 month period. During a single 12 month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave. The request for the use of leave must be made in writing by the employee and approved by the Town Manager.

Some definitions:

A "serious health condition" is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

"Military Exigency" is a specific qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military service member (reserve or National Guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- (1) deployment of service member with seven or fewer days notice;
- (2) military ceremonies and events such as family-assistance or informational programs related to the family member's active duty or call to active duty;
- (3) urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- (4) attending school or daycare meetings relating to the child of service member;

- (5) making financial or legal arrangements related to a family member's active duty status or call to active duty; or
- (6) post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

#### Medical and Family Leave Certification

In order to qualify for leave under this law, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, prognosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Town Manger.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

#### Retention and Continuation of Benefits

When an employee is on leave under FMLA (maximum of 12 weeks in a year/ 26 if military caregiver leave ), the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave, including FLSA compensatory time. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town's Leave without Pay policy. An employee ceases to earn leave credits on the date leave without pay begins.

The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Town Board and the regulations of the insurance carrier.