



## MASON COUNTY FIRE DISTRICT #4

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TITLE: FAMILY MEDICAL LEAVE

CHAPTER: 2000 NUMBER: 2170 APPROVED: 10-07-2008

APPROVED: Signature on file Bob Burbridge, Chief

The District recognizes the occasional need for time off to care for family members who have serious health conditions.

This policy allows eligible employees to take reasonable unpaid leaves of absence for the birth, adoption, or placement of a foster child; for the care of a spouse, child or parent who has a serious health condition; or because the employee is unable to perform the functions of his/her position due to a serious health condition.

The provisions of This policy shall not supersede any state, local law or any collective bargaining agreement that provides greater employee leave benefits and rights than are offered in This policy.

### POLICY

All employees are eligible for a family leave of absence if they have been employed by the District for at least 12 months, and have worked an average of 24 hours per week (1,250 hours) during the preceding 12 months. Qualified employees are entitled to 12 weeks of unpaid leave in a twelve-month period. Employees applying for and granted a family leave of absence are required to meet notification and documentation requirements as outlined further in this policy. Failure to meet these requirements may result in the denial or revocation of a family leave.

### DEFINITIONS

Child. A biological, adopted, or foster child; a step-child; a legal ward; or child of a person standing in place of a parent who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

Employee Benefits. All benefits provided or made available to employees by the District, including group health, life, and short- and long-term disability insurance; vacation; educational benefits; and pensions regardless of whether these benefits are provided by a practice or written policy.



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Healthcare Provider. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices; or podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; or, nurse practitioners and nurse-midwives authorized to practice, and performing within the scope of their practice, as defined under state law; or Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

Parent. The biological parent of an employee, an individual who stood in place of the parent to that employee, or an employee who has day-to-day responsibility for caring for a child.

Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves:

1. Any period of incapacitation or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility;
2. Any period of incapacitation requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacitation of more than three calendar days, and for prenatal care.

Spouse. The husband or wife of the employee. This definition does not apply to unmarried domestic partners.

### PROCEDURES

#### Duration and Basis for Leave

Eligible employees are entitled to 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

1. Birth of an employee's son or daughter, in order to care for that son or daughter.
2. Employee's spouse, child or parent has a serious health condition, and the employee is needed to attend to the basic needs of such family member (both during periods of inpatient care and during periods of home care to include both



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physical and psychological care). An eligible employee may take leave under this provision regardless of the availability of another family member to provide the same or similar care.

3. An employee is unable to perform the functions of his/her position due to a serious health condition.

In the case of a birth or adoption, the entitlement to leave will expire at the end of the 12-month period beginning on the date of such birth or adoption.

If the District employs both an employee and his/her spouse, their combined time off may not exceed 12 workweeks during any 12-month period for the birth, adoption, or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks within a 12-month period to care for a son, daughter, or spouse with a serious health condition.

### Intermittent or Reduced Leave

Leave taken for serious health conditions involving the employee, a spouse, or a son or daughter, may be taken on an intermittent basis (not all at one time) when medically necessary.

The District may require an employee on intermittent leave to transfer temporarily to an available alternative position for which the employee is qualified if the position has equivalent pay and benefits, and better accommodates recurring periods of leave than the employee's regular position.

Intermittent leave cannot be taken for birth, adoption, or foster care purposes, unless the employee and the Fire District agree otherwise. If approved, this leave must be taken during the year of the birth or placement.

On agreement between the employee and the District, an employee may choose to take family leave on a reduced leave schedule. This may involve reducing his/her usual number of hours per workday or workweek during the leave. The duration of the leave will remain at a 12-week maximum.

### Paid or Unpaid Leave

Family leave is without pay, except that the Fire District will require that the employee use accrued, unused sick leave, vacation time, comp time, administrative leave or other paid time for the 12 week FMLA allowance. In the event the employee's accrued leave(s) does not extend for the 12-week FMLA allowance, the balance of the FMLA leave shall be unpaid.



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### Employee Notice and Scheduling Requirements

The employee requesting family leave is required to give 30 calendar days' notice, or as soon as practical, for leave related to a new child. The employee must give 14 calendar days' notice, or as soon as practical, for medical leave, except for bona fide emergencies.

When a family leave is related a serious health condition, the employee must make a reasonable effort to schedule treatment(s) so as to not unduly disrupt the Fire District's operations.

### Medical Certification and Reporting Requirements

The Fire District may require that a family leave related to a serious health condition be supported by a certification issued by the health care provider of the employee or the employee's spouse, child or parent, as appropriate. A copy of this certification shall be provided to the Fire District in a timely manner.

The certification shall include:

1. The date on which the serious health condition commenced.
2. The probable duration of the condition.
3. The appropriate medical facts within the knowledge of the health care provider regarding the condition.
4. A statement that the employee is needed to care for the child, spouse, or parent.
5. An estimate of the amount of time that the employee is needed to care for the child, spouse, or parent.

If the District questions the validity of the certification, it may require, at the District's expense, that the employee obtain a second opinion. If the second opinion conflicts with the original opinion, the District may require, at its expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the District and the employee. The third opinion shall be final and binding on both parties.

The District may require that the employee obtain subsequent re-certifications on a reasonable basis.

The employee on a family leave must notify his/her supervisor periodically of his/her status and intention to return to work. The supervisor has the authority to determine how often the employee must provide this notification.



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### Restoration to Position

When an employee returns to work following a family leave, he/she shall be restored to the position held when the leave began; or restored to an equivalent, position with equivalent employment benefits, pay, and other terms and conditions of employment. In the event an employee does not return from a family leave of absence at the expiration date of the leave, employment may be terminated, unless the District has granted an extension.

### Effect on Accrued Benefits

Taking a family leave will not result in the loss of any employee benefits accrued prior to the date on which the leave began. Vacation, sick leave, and seniority benefits shall continue to accrue during the employee's paid absence for family leave. The employee will not accrue any right, benefit, or position of employment other than one that he/she would have been entitled to had a leave not been taken.

### Continuation of Employee Benefits

An employee on a family leave shall remain a participant in the District's health and welfare benefit plans throughout the duration of the leave, as if actively employed. The District will continue to pay the premiums under the same terms and conditions as it did before the employee took the family leave. Any portion of the premiums paid by the employee prior to the family leave shall remain the responsibility of the employee. Under certain circumstances, the District may request that these premiums be paid back if the employee does not return from family leave.

### Applying for Family Leave

An employee applying for family leave should complete and submit for supervisory approval a written Request for a Family Leave of Absence. A copy of any documentation concerning an employee's family leave will be placed in the employee's personnel file. Documentation concerning employee medical information shall be kept separate from the personnel file.