

POLICY

Cancels:
See Also: POL-7040-HR

Approved by: BOCC
Res.#: 061712

POL – 7041 – HR RETURNING FROM FAMILY MEDICAL LEAVE

This policy applies to all non-elected, regular employees, unless otherwise covered by a bargaining unit contract.

Definitions

FMLA – Family Medical Leave Act

Serious Health Condition – A physical or mental condition requiring medical care as defined in FMLA regulations.

Healthcare Provider – A professional healthcare giver as defined by FMLA regulations.

Essential Functions – The fundamental job duties for a specific position as defined by the Americans with Disabilities Act.

1. Employees May Return to the Same or Equivalent Positions After Leave

At the leave's conclusion eligible employees generally have the right to return to the same or equivalent position with equivalent pay, benefits and working conditions, unless one of the following events has occurred:

- the employee is unable to perform any one of the essential functions of the position as determined by the Americans with Disabilities Act; OR
- the position is eliminated; OR
- the employee's return will cause substantial and grievous economic injury as defined by the FMLA; OR
- the employee had a limited employment period which ran out during leave.

2. Except for the Birth/Adoption of a New Child, Employees Must Provide Written Certification From Their Healthcare Provider Stating Their Ability to Return to Work

3. If the Employee Does Not Return to Work For Any Reason Other Than a Serious Health Condition, the County May Recover its Share of Medical Premiums

4. Whitman County Reserves the Right to Terminate Employees After Twelve (12) Weeks

As long as all other federal and state program requirements have been met, employees may be terminated if they are unable to return to their positions at the conclusion of the twelve (12) week FMLA leave.