CHAPTER: Leaves
EFFECTIVE DATE: 02/25/19
ISSUED BY : Current Civil Service Board

I. Related Policies

A. 2.06, Types of Appointments
B. 6.02, Vacation Leave
C. 6.03, Sick Leave
D. 6.11, Leave of Absence Without Pay

II. Policy Statement

A. The intent of this Policy is to allow employees to be absent from work in conformity with the Family and Medical Leave Act of 1993; revisions effective January 16, 2009; and in accordance with the provisions of the National Defense Authorizations Act for Fiscal Year 2010 (H.R. 2647) in a manner consistent with Sedgwick County Policy.

B. Employees who have worked for the County for at least twelve (12) months (consecutively or non-consecutively) and who have been employed for at least one thousand two hundred fifty (1250) hours of service by the County during the previous 12 months, are entitled to up to twelve (12) cumulative leave weeks of Family and Medical Leave per year (to be defined as a "rolling" 12 month period) for any of the following reasons: listed below (covered
service member leave shall be the exception):

1. The birth of a child, prenatal medical care, or the placement of a child with the employee for adoption or foster care and in order to care for such child; and/or

2. To care for a spouse, son, daughter or parent with a serious health condition; and/or

3. Because of the employee's own serious health condition rendering such employee unable to perform the functions of his or her position.

4. For a qualifying exigency, and/or covered service member leave.

C. An employee requesting leave for any of the above reasons will take such leave under the provisions of the Family and Medical Leave Act.

1. Accrued paid leave shall be utilized as part of the Family and Medical Leave Act, except as exempted below in item #2. If an employee has less than twelve weeks of accrued paid leave, then the balance of the leave shall be taken as unpaid leave.

2. Family Member

An employee using leave for a medical condition of a qualifying family member has the option of retaining a maximum of forty (40) hours of accrued paid leave (sick, vacation, or a combination of both). If both caretakers are County employees, up to twelve (12) weeks of FML leave will be shared (combined) by the two employees for the care of the parent.

3. Birth, Placement of a Child for Adoption or Foster Care

No permanent full time or permanent part time employee shall be compelled, coerced or ordered to begin leave at any time during the period of pregnancy, unless unable to perform the essential functions of the job (see section 701k, Title VII of the 1964 Civil Rights Act Public Law 95-555.

An employee utilizing leave for the occasion of a birth, or the placement of a child for adoption or foster care has the
option of retaining a maximum of forty (40) hours of accrued paid leave (sick, vacation or a combination of both). Entitlement to leave for this purpose expires (12) months after the birth or placement of the child. If both caretakers are County employees, up to twelve (12) weeks of FML leave will be shared (combined) by the caretakers for the birth of the employees child or to care for the child after birth, or the placement of a child with the employee for adoption or foster care, or to care for the child after placement.

D. Paid leave may be retroactively designated as Family and Medical Leave by either the employee or the County if circumstances are such that the leave was unexpected or because the employee is on sick or vacation leave for an FMLA purpose and has not advised the County of said purpose. However, in no event may leave be so designated after the leave has ended, except as provided by law.

E. Employee must authorize a Sedgwick county representative to contact their health care provider to authenticate and clarify any information provided for certification of the health condition under the Family Medical Leave Act. (Note: Authorization signature is on the Request for Leave Form.)

III. Procedures

A. (R) To apply for Family and Medical Leave, an employee must follow the procedures outlined in Sedgwick County policy 4.711.

B. (R) When an employee has exhausted all FML and accrued paid leave hours and is unable to return to work, an Employee Status Conference may be held to determine if the employee is capable of performing the essential job functions of the position.

IV. Definitions

For the purpose of this Policy, the following definitions apply:

A. Spouse is defined in accordance with applicable State Law.

B. Parent includes biological parents and individuals who acted as your parents, but does not include parents in law, unless the Spouse is also employed by Sedgwick County.

C. Son or Daughter includes biological, adopted or foster children, stepchildren, legal wards, and other persons for whom you act in
the capacity of a parent that are under eighteen (18) years of age. Children eighteen (18) years of age or older, but incapable of caring for themselves, are within the meaning of the definition.

D. Serious Health Condition means any illness, injury, impairment, physical or mental condition that involves: 1) any incapacity or treatment in connection with in patient care; 2) an incapacity requiring absence of more than three (3) calendar days and continuing treatment by a health care provider; or 3) continuing treatment by a health care provider of a chronic or long term condition that is incurable or will likely result in incapacity of more than three (3) days if not treated.

E. Continuing treatment means 1) two or more treatments by a health care provider; 2) two or more treatments by a provider of health care services (e.g., physical therapist) on referral or under orders of a health care provider; or 3) at least one continuing treatment under the supervision of, although not actively treated by, a health care provider for a serious long term or chronic condition or disability which cannot be cured (e.g., Alzheimer's or severe stroke).

F. Health Care Provider includes: licensed medical doctors and osteopaths, podiatrists, dentists, clinical psychologists, optometrists or chiropractors authorized to practice in the State, nurse practitioners and nurse midwives authorized under State law and Christian Science practitioners.

G. Needed to care for a family member, or covered service member, encompasses 1) physical and/or psychological care; and 2) when the employee is needed to fill in for another person providing care or to arrange for third party care of the family member.

H. The phrase "unable to perform the functions of his/her job" means an employee is: 1) unable to work at all or 2) unable to perform any of the functions of his/her position. The term "function" means "the essential job duties of the employment position" and does not include the marginal functions of the position.

This policy/procedures manual does not in any way constitute an employment contract or terms thereof, and the personnel policies and procedures contained herein are subject to change at any time.