

POLICY 534-01

LEAVE OF ABSENCE POLICY

A. PURPOSE

The purpose of this policy is to provide employees with the rights and protections afforded by the Federal Family & Medical Leave Act and the New Jersey Family Leave Act.

B. DEFINITIONS

1. "Continuing treatment by a health care provider," means:
 - a. Two or more treatments for injury or illness.
 - b. Treatment on at least one occasion by a health care provider which results in a regimen in continuing treatment under the general supervision of the health care provider.
 - c. Treatment on at least two occasions by a physical therapist, nurse, or other professional under orders of a health care provider.
 - d. When an employee or family member is under the continuing supervision of a health care provider due to a serious long-term or chronic condition. Examples: Alzheimer's syndrome, serious stroke, and late stage cancer.
2. Family members with serious medical conditions include:
 - a. Spouses
 - b. Sons or daughters under the age of 18, including natural children, adopted children, stepchildren, and children of whom the employee is financially responsible if the child is "incapable of self care because of mental or physical disabilities".
 - c. Parents must be legal parents. (Step parents must have adopted a child)
Grandparents and In-laws are not considered parents unless they have legal custody of the child.
3. "Health Care Provider" encompasses medical doctors, doctors of osteopathy, dentists, and nurse practitioners.
4. "Serious health condition" is an illness, injury, impairment, or physical or mental condition involving:
 - a. In-patient care, or
 - b. Continuing treatment by a health care provider, or

- c. A period of incapacity of more than three days that requires health treatment. (The County will allow five days based on the certification requirements in the current bargaining agreement).

NOTE: Voluntary or cosmetic treatments, which are not medically necessary, are not serious health conditions unless in-patient care is required. Outpatient dental care is also not covered.

C. STATEMENT OF POLICY

1. The County will grant leaves of absence in accordance with the provisions of the Federal Family & Medical Leave Act (“FMLA”) and the New Jersey Family Leave Act (“NJFLA”) (collectively herein, “Acts”).
2. The County will grant a leave of absence under the Acts based on a “rolling year.” The year will be measured from the date that the first leave of absence commenced.
3. The County requires all accrued vacation and sick days to be used as a part of the leave of absence. The only exception is that sick days cannot be used for care of a newly born or newly adopted child.
4. There will be no accrual of vacation, sick, personal or holiday time during the time period covered by an unpaid leave of absence.
5. During the time of leave of absence, health benefits and life insurance benefits will be maintained at the same level and under the same conditions as would apply to employees who are not on leave.
6. Time off for a “workers comp” injury will be counted as Family Leave time used.

D. ELIGIBILITY REQUIREMENTS

1. In order to be eligible for FMLA, an employee must:
 - a. Have one (1) year of service with the County;
 - b. Have worked 1,250 hours during the last twelve (12) months prior to the commencement of the leave; and
 - c. Seeking leave for:
 - i. the birth of a child and to care for the newborn child within one year of birth;

- ii. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- iii. to care for the employee's spouse, child, or parent who has a serious health condition;
- iv. a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- v. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;"

Note: The condition must be documented by the physician or health care provider on the form which is provided. No other form or "note" will be accepted. The County will require that this form be updated by your physician or health care provider every four (4) weeks and turned in to the Human Resources Department.

2. In order to be eligible for NJFLA, an employee must:

- a. Have one (1) year of service with the County;
- b. Have worked 1000 hours during the last twelve (12) months prior to the commencement of the leave; and
- c. Seeking leave for:
 - i. Birth or adoption of a child within one year of the child's birth or adoption. If both parents work for the County this type of leave is aggregate, which means a total of 12 weeks can be taken between both of the parents.
 - ii. The care of a parent, child under 18, spouse, or civil union partner who has a serious health condition requiring in-patient care, continuing medical treatment or medical supervision.

Note: The condition of the family member must be documented by their physician or health care provider on the form provided. This is the only form to be used for certification by your physician. No other form or "note" will be accepted. The County will require that this form be updated by your physician or health care provider and turned in to the Human Resources Department every four (4) weeks.

E. ADDITIONAL LEAVE

1. If an employee has a medical condition, which requires more than twelve (12) weeks covered by the "Federal Family Medical Leave Act," the following shall apply:
 - a. An employee who has been employed by the County for more than one (1) year but less than five (5) years may apply for an "extended" County leave for up to two (2) months for their own serious health condition. These additional months will be either paid or unpaid, depending on if the employee has any accrued sick or vacation time remaining. Documentation will be required from their "Health Care Provider" and the same form must be used. During this "extended" additional leave, employees will be required to pay for their own benefits. This will apply to the Health Benefits policy in effect at the time of the leave for each employee. The employee will reimburse the County the amount of the premium paid for that policy.
 - b. An employee who has been employed by the County of Cape May for five (5) years or more may request an additional twelve (12) weeks for medical purposes only. These additional weeks would be paid or unpaid depending on if the employee has any accrued sick or vacation time remaining. Documentation will be required from their "Health Care Provider" every four (4) weeks as stated for the "Family Medical Leave Act" and the same form must be used. If at the end of the twelve (12) week period, the employee is still not able to return to work, they may apply for an additional "extended" County Leave for up to four (4) months. During this "extended" additional leave, the employee will be required to pay for their own health benefits. This will apply to the health benefits policy in effect at the time of the leave for that employee. The employee will reimburse the County the amount of the premium paid for the policy.
 - c. Employees with ten (10) years or more of County employment would be eligible for up to an additional 24 weeks if needed for their own serious medical condition. If at the end of this 24 week period, the employee is still not able to return to work, they may apply for an additional six (6) months of "extended" County Leave. During this "extended" additional leave the employee will be required to pay for their own health benefits. This will apply to the Health Benefits policy in effect at the time of the leave for that employee. The employee will reimburse the County the amount of the premium paid for that policy.

- d. If an employee with ten (10) years or more of service has exhausted all leave and “extended” leave time and is still medically unfit to return to work, they may request an additional leave of absence from the County. At this time, the leave could be denied based on the recommendation of a committee which will review the needs of the individual department. Any employee with 10 years of paid service into the State of New Jersey Pension System would be eligible to apply for a “disability retirement”.
- e. These additional leaves SHALL NOT apply for the serious health condition of anyone other than the employee.

F. DISABILITY

- 1. In the case of an approved “Disability Retirement” by the State of New Jersey, if an employee has any accrued sick days remaining, they will be paid according to the applicable bargaining agreement.