

Iowa County, Iowa  
Policy Manual

Title: Leaves of Absence	Reference #: HR016
Section: Human Resources	Date Effective/Revised: 5/25/2018
Department (s): All	Approved By: Board of Supervisors

### **Paid Sick Leave**

All regular full-time employees shall be entitled to accrue sick leave based on full time equivalent service and the hours worked. Employees shall accrue 12 days of sick leave annually, and sick leave can accumulate to a maximum of 120 days.

For regular full-time employees, the pay for a day of sick leave will be compensation at the employee's regular rate of pay for eight hours or for their regularly scheduled hours of work, if that number of hours is different than eight. Sick leave may be used as soon it is accrued even if the employee is still on orientation.

Sick leave accruals may be used for the following reasons:

1. Personal illness or injury which renders the employee unable to perform the duties of his/her position;
2. Illness of a member of the employee's immediate family, necessitating the employee to be in attendance. Immediate family shall include the following: husband, wife, father, mother, son, daughter, step-parent, step-child, foster child, or foster parent;
3. Medical, dental or optical appointments which cannot be scheduled during non-working hours.

After two weeks of illness or other disability, an employee must apply for short-term disability coverage. The difference between short-term disability insurance benefits and the employee's regular salary may be paid as sick leave. (Short-term disability insurance pays 60% of the salary up to an amount set by the insurance policy.) Iowa County pays the full premium on disability coverage.

An employee continues to accrue sick leave time even while on sick leave.

Employees who are unable to report for work because of illness are to notify the Department Head before the regular work day begins. Employees who are absent more than three days for unconfirmed illness may be required by the Department Head to submit a physician's statement.

#### **Reporting process**

Anticipated absences should be reported to the employee's supervisor (or designated representative) by the start of the work period if not earlier. Employees with unreported absences may be denied pay for work hours missed and be subject to disciplinary action. Employees who take Sick Leave should also notify their supervisor of their ability to work their next scheduled workday.

#### **Gifting of Sick Leave**

Personnel will be allowed to voluntarily donate accumulated sick leave time to a co-worker when the co-worker's sick leave, vacation, comp time, and personal days have been exhausted and the

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co-worker has an illness that requires additional time off of work. The maximum amount of hours an employee can donate to a co-worker for this purpose will be 40 hours per calendar year.

### Pregnancy Leave

The employee shall comply with the requirements outlined in the FMLA policy. Additionally, Iowa law allows pregnant employees up to eight weeks of unpaid, job protected leave even if the employee is otherwise ineligible for FMLA leave. Pregnancy leave will run concurrently with any applicable FMLA leave. Pregnancy leave must be taken concurrent with any paid leave available to the employee.

### **Jury Duty Leave**

An employee who is required to serve as a juror shall receive his/her wages. In order to receive payment for such duty, the employee must submit a certificate of service and assign jury pay to the Employer, excluding travel and meal expense. When released from jury duty during working hours, the employee will report back to work.

### **Military Leave**

#### Leaves Available

The County will grant leaves of absence for military service to full-time and part-time regular employees in accordance with applicable state and federal law. A full-time or part-time regular employee, who is a member of the uniformed services, when ordered by proper authority to serve in the uniformed services, shall be granted leave for the period of service. This leave shall be without loss of pay for the first thirty (30) calendar days of the leave. You are entitled to one period of paid leave for military service per fiscal year. Any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the thirty calendar days without loss of pay. Absences required for military service that exceed thirty (30) calendar days shall be granted in accordance with the County's policies on vacation, compensatory time or unpaid leave, and with applicable state and federal law.

#### Reemployment Rights - Eligibility

Your eligibility for reemployment with the County after you complete military service will be determined in accordance with applicable state and federal law. Conditions for reemployment are briefly explained as follows:

1. You, or an appropriate officer of the uniformed service in which you serve, must give advance written or verbal notice of your service to your immediate supervisor, unless military necessity prevents you from giving notice or if it is otherwise impossible or unreasonable;
2. The cumulative length of the absence and all previous absences from your employment with the County for reason of military service must not exceed five

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years;

3. Your discharge from military service must be for reasons other than dishonorable; and
4. When you return from military service, you must report to work or submit a timely application for reemployment according to the following schedule:

For service of less than thirty (30) days you must report to work by the beginning of your first regularly scheduled work day that would fall eight hours after you return home.

For service of 31 to 180 days you must apply for reemployment within 14 days after completing service.

For service of 181 days or more you must apply for reemployment no later than ninety (90) days after completing service.

### **Continuation of Benefits During Military Service**

Employees on leave for military service and any of their dependents entitled to coverage under the County's health insurance plan are entitled to coverage as follows:

1. An employee that leaves employment for less than 31 days is entitled to continued health insurance coverage, and will not be required to pay more than what an active employee would pay for coverage.
2. An employee that leaves employment for more than 30 days is allowed to elect to receive continued coverage under the County's health insurance plan for up to 18 months following separation from employment or until the employee's reemployment rights expire, whichever event occurs first. The County may require the employee to pay up to 102% of the premium.

### **Paid Funeral Leave**

Upon request to the Department Head, all regular full-time employees will be allowed five days off with pay in the case of death in his or her immediate family. The five days do not have to be consecutive, but must be used within 12 months. Immediate family shall include the following: husband, wife, father, mother, son, daughter, step-parent, step-child, foster child, or foster parent.

Employees will be allowed three days off in the case of a death of the following extended family: son-in-law, daughter-in-law, brother, sister, mother-in-law, father-in-law, grandchild, grandparent, brother-in-law, sister-in-law, step-brother, or step-sister.

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Employees will be allowed one day off in the case of a death of the following extended family: grandparent-in-law, uncle, aunt, niece, nephew, first cousin or guardian.

For regular full-time employees, the pay for a day of funeral leave will be compensation at the employee's regular rate of pay for eight hours or for their regularly scheduled hours of work, if that number of hours is different than eight.

### **Family and Medical Leave (FMLA)**

In accordance with the Family Medical Leave Act (FMLA), Iowa County will grant up to 12 weeks unpaid leave annually, based on the previous rolling 12 month period. To be eligible for this leave an employee must have worked for Iowa County for one year and worked 1250 hours or more in the 12 months preceding the beginning of the leave.

FMLA leave will be granted for the following circumstances:

1. Employee's serious medical condition that makes the employee unable to perform the functions of his/her job.
2. Birth, adoption or placement of a child within 1 year after birth/adoption/placement.
3. Caring for a spouse, child or parent, with a serious health condition.

### **General Provisions**

For the purpose of this policy:

"Child" means a son or daughter under 18 years of age, or a child 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual daily responsibility for care and includes a biological, adopted, foster or stepchild.

"Parent" does not include parents-in-law.

"Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility including any period of incapacity or subsequent treatment in connection with such inpatient care; or
- a period of incapacity that requires absence from work for more than three consecutive calendar days AND involves either two or more treatments by a health care provider, or at least one treatment by a health care provider plus a regimen of continuing treatment; or
- any period of incapacity due to pregnancy or prenatal care;

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- chronic serious health condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time (including periods of recurrence) and may cause episodic rather than a continuing period of incapacity.
- long-term conditions for which treatment may not be effective but is being supervised by a health care provider; or
- multiple treatments by a health care provider and recovery therefrom for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive days.

“Spouse” means a husband or wife as defined or recognized by the State of Iowa.

The “12-month period” shall be based on a rolling 12 month period measured backward from the date an employee uses any Family /Medical Leave. (Example: If an employee takes 4 weeks of Family/Medical Leave on May 1, 2009 and 8 weeks of Family/Medical Leave in August 1, 2009 the employee will not be eligible for Family/Medical Leave again until May 1, 2010 at which time he/she will have four weeks. On August 1, 2010 the employee will have an additional 8 weeks. In essence, 12 months from the date an employee takes any amount of Family/Medical Leave the employee will accrue the same amount of leave as was taken.)

### **Married Employees**

If the employee’s spouse is also employed by the County, and both are eligible for family medical leave, the employee and spouse will be limited to a combined total of 12 weeks of family medical leave a year taken for any one or all of the following reasons: birth of a child or to care for the child after birth; placement of adopted or foster child; or to care for a parent with a serious health condition. This limitation does not apply in cases of leave to care for the serious health condition of the spouse or child, or because of the employee’s own serious health condition.

### **How and When Leave May Be Taken**

Family medical leave is taken either in consecutive workweeks, intermittently in separate blocks of time, or by reducing the number of days of work per week, or hours per day. Intermittent or reduced schedule leave may be taken when medically necessary to care for an employee’s spouse, child, or parent with a serious health condition, or because of an employee’s own serious health condition. “Medically necessary” means that there is a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The employee must provide the County with medical certification of the need for intermittent or reduced schedule leave, and must attempt to schedule the intermittent or reduced schedule leave so as not to disrupt County operations. The employee may be transferred temporarily to an alternative position or schedule, with equivalent pay and benefits, which better accommodates the intermittent leave or reduced schedule.

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Leave for childbirth, adoption or foster care may be taken intermittently or on a reduced leave schedule only if the employee's Department Head agrees to the proposed intermittent or reduced leave schedule.

Leave for the birth of a child or placement of a child for adoption or foster care must be taken within 12 months of the birth, adoption or placement.

### **Notice Requirements**

If an employee knows in advance that he or she will be taking leave because of birth, adoption or placement of a foster child, or because of planned medical treatment for the employee or a covered family member, the employee must notify his or her Department Head in writing using a "Request for Family/Medical Leave" form at least 30 days in advance. If circumstances require that the leave begin in less than 30 days, the employee must notify the Department Head as soon as is practicable.

When the need for leave is foreseeable based on planned medical treatment for the employee or a covered family member, the County expects the employee to consult with his or her Department Head and to make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

The employee must provide a written request for leave and sufficient medical certification to the Auditor's Office within 15 calendar days from the date of the employee's absence. Iowa County reserves the right to request re-certification in accordance with federal law.

The annual FMLA allowance will run concurrent with any Workers' Compensation leave.

Insurance benefits will be maintained for up to 12 weeks during an employee's FMLA leave under the same conditions as if the employee continued to work. The employee must continue to pay his or her portion of the insurance premiums. The employee must make arrangements for payment of these premiums in a timely manner. If the leave extends for more than 12 weeks, the employee will become responsible for payment of the entire health insurance premium to maintain coverage.

When an employee returns from FMLA leave, the employee will be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee does not return to work following FMLA leave, the employee may be required to reimburse the county for his or her share of health insurance premiums paid on the employee's behalf.

An employee will be required to present a certificate from his or her physician releasing the employee to full duty before returning to work.

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If an employee fails to return to work on the date he or she is released to full duty, Iowa County assumes that the employee has resigned.

Employees will be required to use all sources of paid leave concurrently with Family Medical Leave. Seniority, sick leave, vacation and personal days will accrue only during periods of paid leave.

### **Service Members Family Medical Leave Policy**

FMLA for Military Families - The FMLA was recently amended to include coverage for eligible employees to care for qualifying service members. Eligible employees may take 26 workweeks of leave during a single 12 month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (Military Caregiver Leave). The second type of leave available to certain military families is known as Exigency Leave and entitles eligible employees to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that a qualifying family member is on active duty in a foreign country or has been notified of an impending call to active duty status in a foreign country. For purposes of this policy, adult children are qualifying family members.

Unless otherwise stated in this provision, the FMLA policy described above in Section 7.11 applies.

Paid leave must be extinguished first before unpaid military family FMLA leave is taken. Both types of military family FMLA leave are subject to certification or other verification requirements. Where an employee fails to timely comply with any such requirements, or where this process establishes time off and absences from work are not covered by FMLA, the FMLA leave may be delayed or denied and any absences and time off may be considered unexcused absences subjecting the employee to disciplinary action, up to and including termination of employment.

### **Unpaid Leave Of Absence**

It is the policy of Iowa County to grant unpaid leaves of absence to its employees when the requests are compatible with a department's operational needs and scheduling requirements. Employees may request an unpaid leave of absence for public service leave, extenuating medical circumstances or unpaid bereavement leave. Orientation employees may request an unpaid leave of absence for previously scheduled commitments and extenuating medical circumstances.

An employee desiring an unpaid leave of absence shall make a written request to his/her Department Head setting forth the reason(s) for the request and the duration of the requested leave.

A request for an unpaid leave of 30 days or less will be approved or disapproved promptly by the department head.

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A request for an unpaid leave of more than 30 days will be forwarded with a recommendation by the Department Head to the Human Resources designee. The Human Resources designee will transmit the request with recommendations to the Board of Supervisors or appropriate governing board for a final decision. In no event shall unpaid leave, under the provision of this policy, be approved for more than six months by the Board of Supervisors.

Upon return from an unpaid leave of absence, Iowa County will attempt to place the employee in his/her former position at the salary and step occupied at the time such leave began; provided however, that the employee is able to perform the essential functions of his/her position. In the event the former position is not available, or the employee is not able to perform the essential functions of his/her position, Iowa County will attempt to place the employee in another position consistent with qualifications, ability, and staffing requirements. At no time will employees utilizing this policy be guaranteed a position upon return from an unpaid leave of absence.

An employee who fails to return from an unpaid leave of absence on the date specified in the request shall be considered to have resigned his/her position, unless a written request for an extension has been submitted by the employee, recommended by the Department Head, and approved by the Board of Supervisors or appropriate governing board.

While on an unpaid leave of absence, an employee shall not accrue sick leave or vacation benefits. Nor shall time spent on an unpaid leave of absence be considered time worked for the purpose of receiving an in-grade wage increment. The employee must pay his/her own group health and life insurance premiums for that portion of an unpaid leave of absence in excess of 30 days unless on Family Medical Leave. The Human Resources designee will notify the employee of this requirement.

In considering an employee's request for an unpaid leave of absence, the Department Head shall require the employee to use available vacation and/or compensatory time accruals prior to being placed on leave without pay.

### **Public Service Leave**

A regular County employee who is elected to a municipal, county, state or federal office shall be entitled to an unpaid leave of absence pursuant to the Code of Iowa.

An employee choosing to run for public office shall notify the appropriate Department Head of such intent at least 30 days prior to the primary or general election. At this time, the employee shall indicate whether, if elected, an unpaid leave of absence will be necessary.

An employee seeking public office is prohibited from campaigning in any manner during work hours. Failure to observe this condition may result in disciplinary action, up to and including dismissal.