

SICK, EMERGENCY LEAVE, AND FAMILY MEDICAL LEAVE

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Purpose: *As a benefit to full time employees, the Okolona Fire Protection District has a program of Sick, Emergency Leave and provisions for Family and Medical Leave Act compliance. This leave is applicable to only full time employees.*

Policy:

Sick Leave

Sick Leave: Sick Leave is an absence from duty due to illness or injury that does NOT arise in the course of employment or line of duty. Sick Leave also includes Light Duty during the recovery phase of illness or injury.

Injury Leave: Injury leave is an absence from duty due to illness or injury that is *sustained during the course of fire department employment* or otherwise in the line of duty. Injury Leave also includes Light Duty during the recovery phase of such illness or injury.

Light Duty: Light duty is when an employee is capable of returning to work in some capacity consistent with limitations imposed by the employee's physician. All employees on either sick or injury leave are expected to return to light duty as soon as possible.

Sick Leave Occurrence: A Sick Leave Occurrence is one event of sick leave use regardless of the duration of sick leave. An employee who reports to work but is later sent home by a supervisor due to illness will not be charged with an occurrence.

Sick Leave Usage: Sick Leave Usage is the total amount of time an employee is on Sick Leave during a twelve (12) month period.

"Rolling Year" The fire district uses for the purpose of this policy a "Rolling Year" calendar. A "Rolling Year" means the 365 days prior to commencement of the most recent year. A "Rolling Year" is NOT a standard calendar year (January 1 to December 31).

FMLA: Means the Family Medical Leave Act (29 CFR 825.302)

1. Sick leave is applicable to the employee only and no one else.
 - A. Absent unusual circumstances, employees must make notification to the Shift Chief via telephone to station 1 of their desire to use sick time. This should include the duration if at all possible.
2. Sick leave for full-time employees is unlimited upon successful completion of the one (1) year probationary period. Probationary career employees may use any accrued emergency leave or holiday leave where sick leave would otherwise be used, and the provisions of the Family Medical Leave are also applicable.
3. Vacation and Holiday time do not accrue during extensive sick leave usage.

A 24/48 employee using more than ninety-six (96) hours of sick leave within a twelve (12) month period, shall not accrue vacation or holiday leave while on sick leave.

A 40 hour employee using more than eighty (80) hours of sick leave within a twelve (12) month period, shall not accrue vacation leave while on sick leave.

Employees using less than the amount of sick leave shown above will accrue vacation and holiday leave while on sick leave. When the sick leave does exceed the threshold identified above, the vacation and holiday leave non-accrual will begin with the first hour of absence.

The table below shows the amount of holiday and vacation leave that will be deducted from the employee's leave account at the completion of the extensive sick leave usage.

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Employee Schedule	Years of Service	Holiday Time (Hours accrued per hour worked)	Vacation Time (Hours accrued per hour worked)	Holiday Time (Hours accrued per shift worked)	Vacation Time (Hours accrued per shift worked)
40 Hour	1-4	n/a	0.04	n/a	0.32
	5-9	n/a	0.05	n/a	0.4
	10-14	n/a	0.06	n/a	0.48
	15+	n/a	0.08	n/a	0.64
24/48	1-4	0.04	0.03	0.96	0.72
	5-9	0.04	0.04	0.96	0.96
	10-14	0.04	0.05	0.96	1.20
	15+	0.04	0.07	0.96	1.68

4. Sick leave expectations.

An employee who is on sick leave is expected to remain at their residence while on sick leave. The only exceptions to this are: being at medical/dental/health care facilities for testing, treatment or therapy; at health care or medical supply facilities or pharmacies to fill prescriptions ordered by treating health care providers and reasonable travel between home and the above locations

Any employee on extended sick leave may leave his/her residence upon the completion of two (2) calendar weeks of sick leave subject to the following:

- A. The employee does not willfully engage or participate in any conduct which aggravates the illness or injury and such aggravation should have been reasonably foreseen.
- B. The employee does not willfully engage or participate in any conduct where a majority of reasonable people would clearly view such conduct as abuse of the sick leave privilege.

An employee may have sufficiently recovered from illness or injury but not fully enough to return to full duty. In this case, the employee is expected to be available to work on a light duty basis.

If the spirit of this policy is not followed, the employee is subject to having his/her leave reclassified from sick leave to leave without pay.

5. Healthcare Professional's documentation requirement for Sick Leave, Light Duty/Limited Duty and FMLA.

Classification of Absences:

Classification of Absence	24/48 Employee	40 Hour Employee
Short Term	24 hours (1 full duty day)	8 hours up to 16 hours (1-2 full duty days)
Medium Term	48 hours (2 full duty days)	24 hour up to 40 hours (3-5 full duty days)
Long Term	More than 48 hours (More than 2 Full Duty days)	More than 40 hours (More than 5 Full Duty days)

- A. No Healthcare Professional documents will be required for any absence of less than one full duty day (less than 24 hours for 24/48 employees or less than 8 hours for 40 hour employees). In other words an employee working a portion of his/her shift won't be required to submit any documentation.

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- B. No Healthcare Professional's documentation will be required for the first two (2) Short Term Absences in the "Rolling Calendar Year". Healthcare Profession's documentation will be required starting with the third (3rd) absence in the "Rolling Calendar Year."
 - C. Healthcare Professional's documentation will be required for all Medium Term Absences.
 - D. Acceptable Documentation for Medium Term Absences:
Any of the following forms of documentation are acceptable: A note written by the Healthcare Professional, Discharge instructions provided to the employee following a medical procedure, the fire department's sick leave request form or the FMLA Healthcare provider certification form.
 - E. Acceptable Documentation for Long Term Absences:
The FMLA Healthcare provider certification form is the only acceptable documentation for any Long Term Absence.
6. Healthcare Professional's documentation shall be attached to the Sick Leave Request form. This documentation shall be filed in the Employee's Confidential Medical File.
7. An employee with an illness/injury that falls within the FMLA guidelines and when the employee **designates** his/her leave as Family and Medical Leave, they shall have their Healthcare Professional complete the FMLA Healthcare provider certification form.
8. Any employee that expects an illness/injury that will be re-occurring shall have their Healthcare Professional complete the FMLA Healthcare provider certification form every six months. An example would be an employee diagnosed with severe migraine headaches that require an employee to be off work. See "Use of Leave" provisions in the FMLA section.
9. Return to Duty
Any employee that has been off on sick leave or injury leave requiring Healthcare Professional's documentation shall submit a "Return to Full Duty" letter from the Healthcare Professional before the employee's first day back to work. This letter must be presented to the fire chief or his designee.

Emergency Leave

1. Employees may use emergency leave when a member of the employee's immediate family is ill or injured, and the employee must give care to the person. For the purposes of this policy, immediate family member means a person related to the employee by blood or marriage and permanently resides in the employee's home. An employee may petition the board of trustees to extend the meaning of immediate family member, and the board of trustees will make a case by case determination on whether an extension will be approved.
- An employee whose desire to use extensive Emergency Leave for the care of another as defined in the FMLA section of this policy, shall have this certification renewed every six months.
2. Employees may use emergency leave for essential personal matters that are beyond control of the employee and such emergencies must be promptly resolved. An example would be a burst water pipe at the employee's home.
3. Emergency Leave may be used in conjunction with the death of a family member or other person with whom the employee has a close relationship to attend, arrange, and participate in funeral, memorial or burial services for the individual. The employee make take up to seven (7) calendar days off for additional needs relating to the person's death.

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4. Emergency leave shall accrue at the rate of four (4) hours per month, with a maximum of 184 hours for employees working a 40 hour schedule. The maximum for employees working a 24/48 schedule is 248 hours.
5. In the event an absence requires more time off than the employee has accumulated, then the employee shall be required to use vacation time after exhausting emergency leave. If the emergency leave is associated with the death of a family member or other person with whom the employee has a close relationship, and the employee has no available leave time (emergency, holiday, compensatory or vacation) up to 24 hours of emergency leave may be "borrowed" and shall be "repaid" when holiday, emergency leave, vacation leave or compensatory time is accrued, whichever comes soonest.
6. When an employee retires from employment after 20 years of service (hazardous) or 27 years (non-hazardous) or has reached the age requirement to receive the County Employees Retirement System Normal Retirement Benefit, the employee will be paid for one-half of the balance of emergency leave. If an employee is separated for other than retirement reasons, the employee will not receive any payment for emergency leave balance.
7. If the fire chief has reason to believe an employee is abusing emergency leave, the fire chief may require the employee to submit physician statements, or take other steps to ensure this privilege is not being abused.
8. It should be noted that the intent of Emergency Leave is to cover only the time actually needed to resolve an emergency. If the employee is able to resolve the condition before the end of his or her shift, then the employee is expected to return to work.
9. The board of trustees shall have the authority to add a number of emergency leave hours to an employee's account for compassionate reasons as it deems appropriate and in its discretion.
10. Emergency leave is intended to allow an otherwise scheduled to work employee to be absent from duty, with pay. Should a situation appropriate for emergency leave occur and the employee is not scheduled to work (such as an employee's regular day off, holiday, compensatory day or vacation), the employee shall not be allowed to convert the absence to emergency leave.
11. One employee may donate up to one half (50%) of his/her accrued emergency leave to another employee upon approval of the board of trustees. A request to do so must be signed by the donating and receiving employees. There shall be no "quid pro quo" associated with the donation of emergency leave.

Policy Integrity

1. Unlimited sick leave is a generous benefit afforded by few employers. Therefore there is a greater expectation that this policy is carefully monitored for abuse of the privilege.
2. Every employee receiving this benefit has a duty to report any suspected abuse of sick leave.
3. Any employee with knowledge of or reasonable suspicion to believe that another employee is not complying with this policy shall report this knowledge or reasonable suspicion to an officer within his chain of command. *(It is recommended that this be done in the form of electronic mail so the employee may defend him or herself if there is a challenge of the employee complying with this requirement.)*
4. The officer receiving a report of possible abuse of this policy shall inform the scheduling supervisor or fire chief so that an investigation can be made.
5. The officer conducting the investigation shall file a report with the secretary of the board of trustees and fire chief, if applicable, upon completion of the investigation. This must be done even if the investigation reveals there is no substantiation of abuse.

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6. Any employee failing to report known or reasonably suspected of abuse, an officer failing to inform the scheduling officer or fire chief, or the scheduling officer/fire chief failing to complete the required investigation may be deemed as violating this policy.
7. The board of trustees, upon finding that the employee, officer, scheduling officer or fire chief has violated this policy, may suspend such person from participation this benefit for the amount of time it deems appropriate.
8. Any person who has been suspended from this benefit shall have any sick or emergency leave needs deducted from his/her annual leave account during the period of the privilege suspension. In addition, any person so suspended may be prohibited from being offered overtime to fill an opening caused by another employee's absence pursuant to this policy.
9. Abuse of sick leave is a violation of fire district policy and is subject to disciplinary action including termination.

Confidentiality

1. Upon an event that the employee expresses the desire of confidentiality, employees may request to their supervisor that no one other than the employee and supervisor (or other officer in the employee's chain of command) have knowledge of the events involving the employees use of either Sick Leave or Emergency Leave for themselves or the care other covered by FMLA.
2. Employees desiring confidentially shall complete required leave forms, placing the supporting documents and/or FMLA certification in sealed envelope attach to Time Sheet and Leave Slip.
3. Okolona Fire District shall maintain these records and documents confidentially in a locked file cabinet in the secretary's office at station 1 in accordance with 29 C.F.R. 1630.14(c)(1).
4. Only the chairman of the board of trustees, along with the fire chief and deputy fire chief (in their human resource management function), shall have complete access to confidential medical files. The fire department health and wellness officer may be permitted to review confidential medical files when authorized by the fire chief or deputy chief when there is a legitimate need to know. The fire department secretary shall not break any seal on confidential medical records.
5. Those having access to confidential medical files are expressly prohibited from disclosing medical information contained in confidential files except when authorized by the subject employee or when ordered to do so by appropriate legal authority.

Family and Medical Leave Act

The provisions of the *Family and Medical Leave Act* (29 CFR 825.302) are hereby incorporated into this policy. The following are highlights of this act:

1. Employee Eligibility

To be eligible for FMLA benefits, an employee must:

- work for Okolona Fire District;
- have worked for the Okolona Fire District for a total of 12 months;
- have worked at least 1,250 hours over the previous 12 months

2. Leave Entitlement

Okolona Fire District will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month (365 day) period for one or more of the following reasons:

- for the birth and care of a newborn child of the employee;

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- for placement with the employee of a son or daughter for adoption or foster care;
- to care for a spouse, son, daughter, or parent with a serious health condition;
- to take medical leave when the employee is unable to work because of a serious health condition; or
- for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Employee illness/injuries leave will be awarded as unlimited sick paid time off, as long as Sick Leave Policies are followed.

Employees shall exhaust any paid leave time for the care of others as, Emergency Leave time first, and then Vacation and Holiday Leave time second, before beginning unpaid leave.

3. Military Family Leave Entitlements

The Okolona Fire District will also grant an eligible employee who has a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member.

For specific information regarding military family leave, see "Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements and Fact Sheet #28B for more information on the FY 2010 NDAA amendments to these entitlements."

Spouses employed by the Okolona Fire District are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 workweeks (or 26 workweeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

4. Use of Leave

Under some circumstances, employees may take FMLA leave intermittently – taking leave in separate blocks of time for a single qualifying reason – or on a reduced leave schedule – reducing the employee's usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Okolona Fire District's operations.

If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the Fire Chief's approval. Okolona Fire District may require the employee to provide a fitness-for-duty certification to return to work after an employee's own serious health condition.

5. Definition

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The "continuing treatment" test for a serious health condition under the regulations may be met through (1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment, (2) any period of incapacity related to pregnancy or for prenatal care, (3) any period of incapacity or treatment for a chronic serious health condition, (4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or (5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.

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The regulations specify that if an employee asserts a serious health condition under the requirement of a “period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition,” the employee’s first treatment visit (or only visit, if coupled with a regimen of continuing treatment) must take place within seven days of the first day of incapacity.

Additionally, if an employee asserts that the condition involves “treatment two or more times,” the two visits to a health care provider must occur within 30 days of the first day of incapacity. Finally, the regulations define “periodic visits” for treatment of a chronic serious health condition as at least twice a year.

6. Notice and Certification

A. Employee Notice

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to Okolona Fire District as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must make notification to the Shift Chief via telephone to station 1. Employees must provide sufficient information for a reasonable determination whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee’s qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the **first** time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

B. Certification

Okolona Fire District will require that an employee’s request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider.

These forms (WH-380-E, WH-380-F, WH-385 and WH-384) will be available from each employee’s Shift Chief or from the Scheduling Officer. The Okolona Fire District may require second or third medical opinions (at the Okolona Fire District's expense) and periodic (every six months) recertification of a serious health condition.

Employees shall have certification and supporting medical documents applicable to FMLA completed and returned back to Okolona Fire District in 15 days, failure to return certification and supporting documents may result in denial of the FMLA request.

1. Okolona Fire District requires that employees submit form WH-380-E in a timely manner, complete and with sufficient medical certification to support a request for FMLA leave for the employee’s own serious health condition, or
2. Okolona Fire District requires that employees submit form WH-380-F in a timely manner, complete and with sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition, or

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3. Okolona Fire District requires that employees submit form WH-384 in a timely manner, complete and with sufficient certification to support a request for FMLA leave due to a qualifying exigency, or
4. Okolona Fire District requires that employees submit form WH-385 in a timely manner, complete and with sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered service member.
5. "Timely manner" means within 15 days of informing the fire district of an FMLA situation. The fire chief may grant a 15 day extension for just cause.

7. Maintenance of Health Benefits

The Okolona Fire District is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, Okolona Fire District may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.