

LAMPASAS COUNTY PERSONNEL POLICIES

SECTION 7. LEAVES AND ABSENCES

7.1 LEAVE(S) OF ABSENCE

POLICY

THE COUNTY MAY GRANT LEAVES OF ABSENCE TO EMPLOYEES FOR VARIOUS REASONS. THIS POLICY COVERS THOSE "LEAVES" WHICH ARE FOR MORE THAN OCCASIONAL ABSENCE OF SHORT DURATION FROM PERSONAL BUSINESS OR ABBREVIATED ILLNESSES. EMPLOYEES ARE ELIGIBLE FOR CONSIDERATION OF LEAVES OF ABSENCE AFTER THEY HAVE SUCCESSFULLY COMPLETED THE FIRST SIX MONTHS OF EMPLOYMENT OR WHERE STATE OR FEDERAL STATUTES REQUIRE CONSIDERATION.

THE COUNTY OF LAMPASAS WILL COMPLY WITH THE PROVISIONS OF THE TEXAS WORKER'S COMPENSATION ACT, THE FAMILY MEDICAL LEAVE ACT, THE AMERICANS WITH DISABILITIES ACT, THE TEXAS COMMISSION ON HUMAN RIGHTS ACT AND THE RULES GOVERNING MILITARY SERVICE LEAVE AND RETURN.

EACH LEAVE OF ABSENCE MUST BE APPROVED BY THE EMPLOYEE'S DEPARTMENT MANAGER, FOLLOWING CONSULTATION WITH THE HUMAN RESOURCES DIRECTOR. HUMAN RESOURCES WILL VERIFY THE LEAVE ELIGIBILITY, OBTAIN DOCUMENTATION, MONITOR, AND REVIEW FOR ADHERENCE TO COUNTY POLICIES. THE HUMAN RESOURCES DIRECTOR WILL NOTIFY THE SICK LEAVE POOL COMMITTEE OF QUALIFIED REQUESTS FOR USE OF POOL HOURS. (See Sick leave Pool Policy – Appendix).

HUMAN RESOURCES WILL BE RESPONSIBLE FOR THE DISTRIBUTION OF PROPER FORMS NEEDED FOR EMPLOYEES TO COMPLY WITH THESE RULES.

TYPES OF LEAVE

THE FOLLOWING TYPES OF LEAVE OF ABSENCE ARE AVAILABLE TO QUALIFIED EMPLOYEES OF THE COUNTY (see following sections for more detail):

1. MEDICAL LEAVE - OCCUPATIONAL INJURY OR ILLNESS.
2. MEDICAL LEAVE – NON OCCUPATIONAL
3. PERSONAL LEAVE – FMLA/MFLA
4. PERSONAL LEAVE – OTHER
5. MILITARY LEAVE

BASIC ISSUES

ELIGIBILITY

NO EMPLOYEE WILL BE ELIGIBLE FOR LEAVE BEFORE COMPLETION OF THEIR FIRST SIX MONTHS OF EMPLOYMENT (EXCEPT THOSE WHO ARE INJURED ON THE JOB). ELIGIBILITY FOR OTHER TYPES OF LEAVE AFTER COMPLETION OF THE FIRST SIX MONTHS WILL BE GOVERNED BY COUNTY'S APPROVAL AND COMPLIANCE WITH THE APPLICABLE REGULATIONS (IF ANY).

SENIORITY

EMPLOYEES ON APPROVED LEAVE OF ABSENCE ARE CONSIDERED TO BE ON THE "INACTIVE PAYROLL" AND THEREFORE THAT TIME WILL NOT COUNT TOWARD VACATION ELIGIBILITY, RETIREMENT PLAN CONTRIBUTIONS, ETC. HOWEVER, THE EMPLOYEE WILL NOT LOSE THE SENIORITY HE/SHE HAD AT THE START OF SUCH LEAVE.

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7.1 LEAVE(S) OF ABSENCE (CONTINUED)

NOTICE OF LEAVE

AN EMPLOYEE SHALL SUBMIT IN WRITING A REQUEST FOR LEAVE UNDER THIS POLICY TO HIS/HER IMMEDIATE SUPERVISOR 30 DAYS IN ADVANCE OF A FORESEEABLE LEAVE.

IF 30 DAYS NOTICE IS NOT POSSIBLE, THE EMPLOYEE MUST PROVIDE NOTICE AS SOON AS PRACTICABLE TO THE IMMEDIATE SUPERVISOR. IN THE EVENT THE EMPLOYEE IS UNABLE TO PROVIDE NOTICE DUE TO THE MEDICAL SITUATION, HIS/HER AGENT WILL PROVIDE NOTICE.

THE EMPLOYEE WILL PROVIDE SUFFICIENT INFORMATION FOR THE COUNTY TO REASONABLY DETERMINE WHETHER THE FMLA/MFLA MAY APPLY TO THE LEAVE REQUEST. CALLING IN "SICK" IS INSUFFICIENT NOTICE. REQUEST FORMS ARE AVAILABLE FROM HUMAN RESOURCES.

PAY

AN APPROVED LEAVE OF ABSENCE INCLUDES USE OF ACCRUED PERSONAL TIME, APPROVED SICK LEAVE POOL TIME AS APPLICABLE, DISABILITY PAY BY A COVERED BENEFIT PLAN, AND UNPAID TIME. THE USE OF VACATION AND COMPENSATORY TIME MAY BE USED IF REQUESTED BY THE EMPLOYEE. (See Sick Leave Pool Policy – Procedures).

BENEFITS

WITH THE EXCEPTION OF MILITARY SERVICE, EMPLOYEES ON AN APPROVED LEAVE MAY CONTINUE IN THOSE BENEFITS PLANS IN WHICH THEY ARE ALREADY A PARTICIPANT BY CONTINUING TO PAY THEIR SHARE OF THE CONTRIBUTION OR PREMIUM ON THE SAME SCHEDULE AS IS CUSTOMARY. (See military leave and FMLA/MFLA policies)

WHILE ON AN APPROVED LEAVE OF ABSENCE, AN EMPLOYEE WHO HAS DEPLETED ALL BENEFIT HOURS WILL NOT ACCRUE ADDITIONAL BENEFIT HOURS, INCLUDING VACATION, PERSONAL LEAVE, BE ELIGIBLE FOR HOLIDAY PAY OR EARN OTHER BENEFITS AFFORDED TO EMPLOYEES ACTIVELY AT WORK, EXCEPT FOR THOSE STATED IN THIS POLICY.

RETURN TO WORK

EMPLOYEES RETURNING TO ACTIVE DUTY FROM AN APPROVED LEAVE WILL BE RETURNED TO THE SAME OR EQUIVALENT POSITION.

THE EMPLOYEE WILL NOT HAVE TO RE-QUALIFY FOR BENEFITS PROGRAM, ETC. FOR WHICH THEY HAD QUALIFIED PRIOR TO SUCH LEAVE OF ABSENCE.

A FITNESS FOR DUTY CERTIFICATION IS REQUIRED TO RELEASE THE EMPLOYEE TO RETURN TO WORK. THE CERTIFICATION WILL BE COMPLETED BY A HEALTH CARE PROVIDER TO ASSESS THE ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE JOB. AN EMPLOYEE IS PROVIDED UP TO 15 DAYS TO PROVIDE SUCH CERTIFICATION.

A FITNESS FOR DUTY CERTIFICATION MAY BE REQUIRED FOR EACH CONTINUOUS LEAVE UPON THE EMPLOYEE'S RETURN TO WORK OR, IN THE CASE OF INTERMITTENT OR REDUCED SCHEDULE LEAVE, EVERY 30 DAYS IF REASONABLE SAFETY CONCERNS EXIST (SIGNIFICANT HARM TO THE EMPLOYEE OR OTHERS).

IN CASE OF A DISABILITY, EVERY REASONABLE EFFORT WILL BE MADE TO FIND ACCOMMODATIONS WORKING WITH THE EMPLOYEE, THEIR MEDICAL PROVIDER, THE COUNTY

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7.1 LEAVE(S) OF ABSENCE (CONTINUED)

HUMAN RESOURCES DIRECTOR TO PLACE THE EMPLOYEE IN A SIMILAR POSITION WHERE THE "ESSENTIAL" FUNCTION OF THE JOB CAN BE PERFORMED.

PERIODIC NOTIFICATION

WITH THE EXCEPTION OF MILITARY SERVICE LEAVES, EMPLOYEES ON LEAVE WILL BE EXPECTED TO MAINTAIN CONTACT WITH HUMAN RESOURCES TO ADVISE THE COUNTY OF THE EMPLOYEE'S STATUS AND ANY NEEDED RECERTIFICATION OF MEDICAL LEAVE. THIS NOTICE PROCEDURE WILL BE FURNISHED TO EACH EMPLOYEE UPON STARTING LEAVE BY HUMAN RESOURCES.

TERMINATION

EMPLOYMENT WITH THE COUNTY IS TERMINATED FOR THOSE ON LEAVE WHEN:

- A. THE EMPLOYEE IS UNABLE OR OTHERWISE DOES NOT RETURN TO ACTIVE DUTY BEFORE THE END OF THE APPROVED LEAVE PERIOD OR
- B. THE EMPLOYEE ACCEPTS OTHER EMPLOYMENT; OR
- C. THE EMPLOYEE FAILS TO FOLLOW THE NOTIFICATION PROCEDURE.

THIS POLICY WILL BE PRACTICED WITHOUT PREJUDICE OR EXCEPTION.

INJURY ON THE JOB

ANY TIME OFF DUE TO A JOB-RELATED INJURY OR JOB RELATED ILLNESS WILL RUN CONCURRENT WITH TIME TO WHICH THE EMPLOYEE IS OTHERWISE ENTITLED UNDER THE FAMILY AND MEDICAL LEAVE ACT. TERMS OF THE FMLA LEAVE (UP TO 12 WEEKS/ 480 WORK HOURS). TERMS OF THE FMLA LEAVE APPLY TO WORK COMP TIME OFF. ANY REQUIREMENTS BASED ON ADA/AAC COMPLIANCE WILL BE COMPLIED WITH. (SEE FURTHER DETAIL POLICY 9.2 INJURY ON THE JOB)