


SUMNER COUNTY Emergency Communications Center 253 Airport Rd. Gallatin, TN 37066		
Standard Operating Procedure 3.02.ECC	Effective Date: 11/29/2021	
Family and Medical Leave Act (FMLA)	Rescinds/Amends: New	
Attachments: none	Revision Number:	
Authorized: <i>Marilyn Mies-Anderson</i> , Executive Director		

PURPOSE

The purpose of the Family and Medical Leave Act (FMLA) is to provide Sumner County Emergency Communications Center (SCECC) personnel with information regarding the labor law requiring unpaid leave for certain family and medical reasons.

1.0 FAMILY AND MEDICAL LEAVE ACT

1.1 In general, a Family and Medical Leave of Absence (FMLA) is an official authorization to be absent from work without pay for a specified period of time. Eligible employees may be entitled to job-protected family or medical leaves of absence if they are unable to come to work due to qualifying family or medical reasons as described under the following FMLA Policy, which shall be administered in accordance with all applicable state and federal laws:

1.1.1 Employees are eligible if they have been actively employed for at least twelve (12) months and have worked for at least one-thousand-two-hundred fifty (1250) hours of service during the twelve (12)-month period immediately preceding the commencement of leave. FMLA leave provided for under this policy shall run concurrently with any Tennessee maternity leave entitlements and paid leave (sick, vacation, compo etc.) for this illness.

1.1.2 Under circumstances set forth below, each eligible employee shall have up to a total of twelve (12) weeks during anyone-year period. Pursuant to this policy, the twelve (12) month period utilized is a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave.

1.1.3 FMLA leave starts with the first time off for the major illness not from the request date.

1.2 Family and Medical Leave will be granted to eligible employees for one or more of the following reasons:

1.2.1 For birth of a son or daughter, and to care for the newborn child.

- 1.2.2 For placement with the employee of a son or daughter for adoption or foster care.
- 1.2.3 To care for the employee's spouse, son, daughter, or parent with a serious health condition.
- 1.2.4 Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy the following definitions apply for the purposes of an employee qualifying to take FMLA leave:
- 2.2 Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.
- 2.3 Parent means biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined in (3) below. This term does not include parents "in law".
- 2.4 Son or daughter means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability.
- 2.5 Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- 2.6 The SCECC reserves the right to require for the purposes of confirmation of a family relationship that the employee giving notice of the need for leave provide reasonable documentation or a statement of family relationship.

3.0 PROCEDURE

- 3.1 Whenever possible, and subject to your health care provider's approval and certification, when planning medical treatment, eligible employees must consult with their immediate supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt the Center's operations.
 - 3.1.1 Employees are expected to consult with their immediate supervisor prior to scheduling treatment in order to work out a treatment schedule which best suits the needs of both the employee and the Sumner County Emergency Communications Center.
 - 3.1.2 If an employee who provides notice of the need to take FMLA leave on an intermittent leave basis for planned medical treatment fails to consult with the immediate supervisor to make a reasonable attempt to arrange the schedule of treatment so as not to unduly disrupt the SCECC's operations, the immediate supervisor will initiate discussions with the employee and require the employee to

attempt to make such arrangements, subject to the approval of the employee's health care provider.

3.1.3 If an employee submits a certification signed by a health care provider, the SCECC may, with the employee's permission, have a health care provider representing the SCECC contact the employee's health care provider for purposes of clarification and authenticity of the medical certification. Under appropriate circumstances the SCECC may require the employee to obtain a second opinion at the County's expense. The health care provider utilized in these circumstances will be designated by the County to furnish a second and/or third opinion, but the selected health care provider will not be one that is employed by the County on a regular basis.

3.1.4 In those circumstances when the approximate timing of the need for leave is not foreseeable, the employee should provide the SCECC notice of the need for FMLA leave as soon as practicable under the facts and circumstances of the situation. It is expected by the SCECC that an employee will give notice to their immediate supervisor within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. In all instances of FMLA leave the SCECC reserves the right to request medical certification outlining the expected duration and nature of the illness, as it relates to the employee's ability to come to work, or the need for that employee's need to care for family members with serious health conditions or for other FMLA qualifying reasons.

3.1.5 When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, thirty (30) days advance notice is required. In the event thirty (30) days' notice is not practicable due to a lack of knowledge of approximately when the leave will be required to begin or due to a change in circumstances or medical emergency, notice must be given by an employee as soon as practicable.

3.1.5.1 To assist the County in arranging work assignments during an employee's absence, the Sumner County Emergency Communications Center requests that employee's give the SCECC prior notice, to the extent possible, of an expected birth or adoption, as well as an indication, to the extent known, of the employee's expected return to work date;

3.1.5.2 To facilitate an employee's return to work, the Sumner County Emergency Communications Center requests that the employee provide the employee's immediate supervisor with two (2) weeks advance notification of the employee's intended return to work date;

3.1.5.3 If an employee fails to give timely notice when the need for FMLA leave is foreseeable, the employee may be required to delay the taking of FMLA leave until thirty (30) days after the date the employee provides appropriate notice to the SCECC of the need for FMLA leave;

- 3.1.5.4 The Sumner County Emergency Communications Center understands that under certain circumstances it may be necessary for an employee to take more leave than originally anticipated or an employee may discover after the beginning of FMLA leave that circumstances have changed and the amount of leave originally anticipated is no longer necessary. In these situations, the employee is required to provide the SCECC reasonable notice, within two (2) business days, of the changed circumstances where foreseeable;
- 3.1.5.5 If an employee advises the SCECC either before or during the taking of FMLA leave that the employee does not intend to return to work, our employment relationship will end and the employee's entitlement to continued leave, maintenance of health benefits, and restoration to the job shall cease; and
- 3.1.5.6 If an employee is able to return to work earlier than anticipated, the employee shall provide his/her immediate supervisor two (2) weeks advanced notice when feasible prior to returning to work.

4.0 CONDITIONS

- 4.1 For purposes of FMLA leave, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:
 - 4.1.1 In-patient care (an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity such as an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from, or any subsequent treatment in connection with such in-patient care; or
 - 4.1.2 Continuing treatment by a health care provider which includes one (1) or more of the following: a period of incapacity (inability to work, attend school or perform other regularly daily activities due to the serious health condition, treatment therefore, or recovery there from, of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves additional treatment by a health care provider, nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services such as a physical therapist, under orders of, or on referral by a health care provider or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
 - 4.1.3 Leave of absence rights, sick leave and vacation leave available to employees under other sections of our policies shall be counted towards the total time off available under our FMLA policy, if the leave is FMLA qualifying.

5.0 RETURN TO WORK

- 5.1 On return from FMLA leave, employees will be returned to the same position the employee held when leave commenced, or to an equivalent position.
- 5.1.1 If an employee is unable to perform an essential function of his/her position because of a physical or mental condition, including the continuation of a serious health condition, the employee will have no right to restoration to another position under the Family and Medical Leave Act.
- 5.1.2 However, this does not mean an employee will not be returned to work even if they are unable to do so at the conclusion of their FMLA leave entitlement as the SCECC may seek to return employees to a suitable position, although the SCECC cannot guarantee that one will be available.
- 5.1.3 If an employee is unable to return to work after the expiration of their FMLA leave entitlement (12 weeks or less depending on the individual employee's use of leave during the rolling 12 -month period), the employee shall forfeit his/her reinstatement rights under the FMLA, but may be returned to work to an alternate position for which the employee is qualified if such a position is available; and
- 5.1.4 If, due to an employee's own medical circumstances, he/she is no longer able to perform his/her original job, the SCECC may attempt to transfer such an employee to alternate suitable work, if available.

6.0 BENEFITS

- 6.1 While on an FMLA leave of absence provided for under this policy, the SCECC will continue employee group health insurance benefits under the same terms as provided to other employees, for up to a maximum of twelve (12) weeks during the applicable twelve (12) month period. If an employee's leave extends beyond twelve (12) weeks, the employee shall be offered the opportunity to purchase continuing coverage under state and federal COBRA continuation rules.
- 6.1.1 Other accumulated fringe benefits such as seniority, retirement, service credits, sick pay, vacation pay, etc., shall be preserved at the level earned as of the commencement of FMLA leave, but shall not accrue during any unpaid FMLA leave.
- 6.1.2 In addition to the FMLA Tennessee maternity leave law allows employees who have been employed for twelve (12) consecutive months to take up to four (4) months of unpaid leave for pregnancy, childbirth and nursing an infant. To be eligible for this leave, the employee must give at least three (3) months advance notice, except in cases of medical emergency. This leave will run concurrently with the FMLA with any leave to which the employee may be entitled under the FMLA or otherwise.

7.0 MILITARY FAMILY LEAVE PROVISIONS

7.1 There are two types of Military Family Leave available:

7.1.1 Qualifying exigency leave. Employees meeting the eligibility requirements described above may be entitled use up to twelve (12) weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. This leave may be used if the employee's spouse, son, or daughter, is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include:

7.1.1.1 Short-notice deployment (up to 7 days of leave)

7.1.1.2 Attending certain military events

7.1.1.3 Arranging for alternative childcare

7.1.1.4 Addressing certain financial and legal arrangements

7.1.1.5 Periods of rest and recuperation for the service member (up to 5 days of leave)

7.1.1.6 Attending certain counseling sessions

7.1.1.7 Attending post-deployment activities (available for up to ninety (90) days after the termination of the covered service member's active duty status)

7.1.1.8 Other activities arising out of the service member's active duty or call to active duty and agreed upon by the company and the employee

7.1.2 3.3 Leave to care for a covered service member. There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to twenty-six (26) weeks of leave to care for a covered service member during a single twelve (12) month period.

7.2 A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

8.0 REVISION HISTORY & REVIEW SCHEDULE

8.1 The Executive Director or designee shall conduct an annual review of the SOP and make the necessary changes and/or revisions. This SOP shall remain in force until revised or revoked by the Executive Director.

Date	Change(s)	Reference Section(s)	Review Date/Period
11/29/2021	New SOP		1 Year