

Title: Leave of Absence
Policy Number: 606
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Authorized by: Board of Supervisors

Policy:

It is the policy of Pottawattamie County to grant employees extended leaves of absence under certain circumstances. Except where indicated below, employees will be required to utilize all appropriate paid leave prior to receiving a leave of absence without pay.

Comments:

- (1) The County will comply with the provisions of the federal Family and Medical Leave Act ("FMLA"). Policy #607 outlines the FMLA's requirements, including the rights and obligations of employees, notification requirements, and the County's obligations.
- (2) Employees generally are eligible for leaves of absence if they have completed at least one (1) year of continuous service, or as specified by law. The granting and duration of each leave of absence and the compensation received by the employee, if any, during the leave of absence will be determined by the County in conjunction with applicable federal and state law. The following types of leaves will be considered:
 - (a) Medical Leave of Absence.
Employees who are unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The County requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider. Employees are required to utilize all paid sick leave, vacation, personal, and other similar leaves prior to receiving leave without pay. *For an explanation of the FMLA and medical leave, see Policy #607*
 - Maternity Leave of Absence: In accordance with the Iowa Code, employees are allowed up to eight (8) weeks of medically indicated leave following the birth of a child. Female employees will be allowed to utilize eight (8) weeks of paid sick leave following the birth of a child. Employees requesting to use additional sick leave must provide a medical certification from their health care provider

indicating medical necessity and approval of the Department Head. Upon expiration of sick leave, vacation, personal, and other similar leaves shall be utilized prior to receiving leave without pay.

- (b) *Parental Leave of Absence.*
An employee may be granted a parental leave of absence in connection with a child's placement with the employee for adoption. Employees are required to utilize sick leave (limited to eight (8) weeks for the adoption of children under the age of five (5)), vacation, personal, and other similar leaves prior to receiving leave without pay. Employees who adopt children five (5) years of age and older may be allowed to utilize sick leave only with the prior approval of the Board of Supervisors. If both adopting parents work for Pottawattamie County, the employees are allowed to use a combined eight (8) weeks of sick leave. *For an explanation of the FMLA and parental leave, see policy #607.*

- (c) *Family Care Leave of Absence.*
Employees may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse, or parent who has a serious health condition. The County requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider. Employees are required to utilize all paid sick leave (as allowed by policy), vacation, personal, and other similar leaves prior to receiving leave without pay. *For an explanation of the FMLA and family leave, see policy #607.*

- (d) *Personal Leave of Absence.*
Employees may be granted a leave of absence to attend to personal matters in cases in which the County determines that an extended period of time away from the job will be in the best interest of the employee and the County. Employees are required to utilize all vacation, personal, and other similar leaves (other than sick leave) prior to receiving leave without pay.

- (e) *Military Leave of Absence.*
An employee is eligible for a military leave of absence beginning the first day of employment unless the employee is employed temporarily for six (6) months or less. This leave is provided to employees who are members of the National Guard, organized reserves or any component part of the Military, Naval, or Air Forces or Nurse Corps, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are

members of the Civil Air Patrol. In accordance with the Iowa Code, Chapter 29, a military leave of absence will be granted without loss of pay for the first thirty (30) days, if an employee is ordered by proper authority to state active duty, state military service, or federal service, or when performing a civil air patrol mission pursuant to section 29A.3A or as otherwise provided by law.

Where the period of active duty is less than thirty (30) days, a leave of absence shall only be granted for those days that the employee would normally perform services for the County. This would include participation in annual encampment or training duty in the U.S. Military Reserves or the National Guard.

Employees are requested to notify their Department Head as soon as they are aware of any military obligation. Employees may use accrued vacation, personal leave, and other similar leaves but are not required to do so during their military leave of absence. Employees are not permitted to use sick leave for this type of leave.

Employees who perform and return from military service will retain certain rights with respect to reinstatement, seniority, layoffs, compensation, length of service-promotions, and length of service-pay increases, as required by applicable federal or state law.

Please contact the Human Resources Department for questions regarding the County's military leave policy, applicable state and federal laws and continuation of benefits during a military leave of absence.

- (f) *Educational Leave of Absence.*
Employees who want to continue their education in preparation for added responsibilities with the County may be granted an educational leave of absence when the County determines that this type of leave will be beneficial to it and the employee. Employees are required to utilize all vacation, personal, and other similar leaves (but not sick leave) prior to receiving leave without pay.
- (g) *Election Leave of Absence.*
An employee may, upon written application and approval of the Department Head, be granted up to thirty (30) days leave without compensation, if the employee is a candidate for a paid partisan elective office. Leave may be granted for a primary, general, or partisan special election.

(h) Voting Leave.

While voting leave is not considered a “leave of absence”, any employee required to work for all of the hours during which the polls are open on an election day shall be given sufficient time off to vote.

(i) Leave of Absence without Pay

A leave of absence without pay is a predetermined amount of time off from work for whatever purpose, which has been requested by an employee who has completed the introductory period and approved by the Employer in writing. The employee will be given a copy of the authorization. In order to be eligible for a leave of absence without pay, the employee shall have exhausted all appropriate accumulated leave, i.e. sick leave, vacation, compensatory time and other similar leaves. The leave of absence shall be authorized at the Department Head’s discretion

During a leave of absence without pay, the employee:

- must pay the entire premium for group hospital and dental insurance during any month the employee is not on the payroll.
- must pay the entire premium for group life insurance.
- shall not receive any other job benefits during the period of absence; and
- shall not acquire additional seniority during said leave.

The Employer may make exceptions to any of the above conditions for approved leaves or unpaid days not exceeding thirty (30) days.

(3) Leaves of absence under this policy generally should be taken in full week increments, except for intermittent or reduced schedule leaves taken under the FMLA or as allowed or required by other applicable laws.

(4) Requests for a leave of absence or any extension of a leave should be submitted in writing to the employee’s Department Head at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. All employees on approved leave are expected to report to their Department Head any change of status in their need for a leave or in their intention to return to work.

- (5) Employees who are on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service or when the employment has been approved by the County under its Secondary Employment policy and the employee's reason for leave does not preclude the secondary employment.
- (6) The County will continue existing insurance coverage and provide benefits to employees while on leave as long as the employee is in a paid status or as required by the Family & Medical Leave Act (FMLA). Benefits that accrue according to length of service (such as paid vacation, longevity, seniority) do not accrue while an employee is on an unpaid status. Employees not eligible for leave under the Family and Medical Leave Act are required to pay the entire premium for group health, dental and life insurance while on an unpaid leave of absence.
- (7) Employees returning from a leave of absence will be reinstated to their same job or to an equivalent job with equivalent status and pay, to the extent required by law. Employees returning from a medical leave must provide certification of their ability to perform the essential functions of their job. Employees returning from a military leave also must comply with all of the reinstatement requirements specified by federal and state law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though he/she had been actively employed at the time of the reduction in force.
- (8) Employees who are unable to report for work because of arrest and incarceration, may be placed on a personal leave of absence. During this time an employee may be allowed to use accrued compensatory time, vacation, or other similar paid leaves, however, not sick leave. The employee's Department Head and the Human Resources Director will decide whether active employment is appropriate pending final disposition of the charges.
- (9) If an employee fails to return to work at the conclusion of any approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.