



ADMINISTRATIVE POLICY

SECTION: 300 – Human Resources	POLICY#: 304
TITLE: Family Medical Leave	R & O #: 18-14
	IMPLEMENTED BY PROCEDURE #: 304-A
SPONSORING DEPT/DIV: Human Resources	
ADOPTED: 01/23/2018	REVIEWED: 08/24/2023

PURPOSE: The purpose of this policy is to implement provisions for eligible employees to take protected leave for qualifying events as defined by law. This policy is intended to comply with federal and state laws regulating these leaves of absence.

AUTHORITY: Family Medical Leave Act of 1993 (FMLA), Oregon Family Leave Act (OFLA), and Paid Family Medical Leave Insurance (PMFLI) also known as Paid Leave Oregon (PLO).

APPLICABILITY: This policy applies to all Washington County employees.

GENERAL POLICY: This Policy provides protected leave for family and medical reasons and safe leave in accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and the Oregon Family Leave Act (OFLA) and Paid Family Medical Leave Insurance (PMFLI) (PLO) act of 2019. These laws secure the right of eligible employees to respond to serious health conditions of their own and those of their qualified family members; protect an employee against loss of employment for reasons related to the leave; protect against loss of insurance coverage in the event an employee must be absent from the workplace due to a qualifying event; and provide for reinstatement to the employee's former or an equivalent position, according to applicable laws. The policy has been designed to consolidate provisions of both State and Federal laws in such a way as to allow employees the maximum leave available.

POLICY GUIDELINES:

1. Eligibility Requirements for Family Medical Leave: Details outlining eligibility requirements under FMLA, OFLA and PLO are included in the Administrative Procedures that accompany this policy (304-A).
 - 1.1 Employees will qualify for leave after meeting the required hours, length of employment and prior year wages specified under each law FMLA, OFLA and PLO.
 - 1.2 Employees who are absent from work due to service in the National Guard or the Reserves shall have time spent in military service count toward the eligibility requirements for this policy.
2. Qualifying Leaves: Details outlining reasons that qualify for FMLA, OFLA and PLO are

included in the Administrative Procedures that accompany this policy (304-A).

3. Qualifying Family Member: Details outlining eligible family members that qualify for FMLA, OFLA and PLO are included in the Administrative Procedures that accompany this policy (304-A).
4. Serious Health Condition: A definition of serious health condition under FMLA, OFLA and PLO is included in the Administrative Procedures that accompany this policy (304-A).
5. Duration of Leave:
 - 5.1 For all qualifying events under FMLA, OFLA and PLO:
 - 5.1.1 Generally, employees may take a total of twelve (12) weeks of leave in a 12-month period for any qualifying event. In accordance with current law, qualified, FMLA, OFLA and PLO leave will run concurrently.
 - 5.1.2 Employees using qualified leave under any combination of FMLA, OFLA or PLO for circumstances not covered by one or more of these leaves, may take additional protected leave if eligible.
 - 5.1.3 One week of leave is based on the regular work schedule of the employee prior to the start of the leave.
 - 5.1.4 Leave for the birth of the employee's child, or the placement of a child for adoption or foster care with the employee ('parental leave') must be taken within twelve (12) months of the birth or adoption.
 - 5.1.5 Pregnancy disability leave for the birth of a child and for a serious health condition of the employee will be designated as qualified under FMLA, OFLA and PLO and will run concurrently when applicable.
 - 5.1.6 Disability leave due to a compensable on-the-job injury will be designated as qualified under FMLA and will run concurrently with Workers' Compensation Leave in accordance with federal regulations.
 - 5.2 Additional leave under OFLA and PLO.
 - 5.2.1 An employee who accesses PLO and is eligible for leave for a pregnancy related disability (including routine pre-natal care) and bonding, may qualify for a maximum of 18 weeks of protected leave in a benefit year, up to 14 of those weeks may be eligible under PLO.
 - 5.2.2 Sick child leave is only allowed under OFLA.
6. Effective June 1, 2023, the leave year method used is a rolling forward leave year, which is the 12-month period beginning on the first day of the employee's FMLA, OFLA, or for PLO the Sunday before **leave** begins. Any subsequent leave year begins with the first absence for that specific leave.
7. Medical Certification Requirements: (See Procedure 304-A).
8. Intermittent or Reduced Work Schedule Leave: Employees may take their FMLA/OFLA/PLO

leave consecutively or intermittently. Under certain circumstances, employees may use their leave to reduce the work week or workday, resulting in a reduced hour schedule. For PLO, intermittent leave can only be used in full day increments, not hourly. (See Procedure 304-A)

9. Seniority, Leave Balances, Accruals and Other Benefits:

- 9.1 Employees on approved, qualified leave retain accrued balances for sick leave, compensatory time, administrative leave, floating holiday, and vacation leave earned prior to leave, minus any accruals used for the leave.
- 9.2 Employees will be eligible for holiday pay as provided for in the County's Personnel Rules and Regulations or applicable collective bargaining agreement.
- 9.3 Payroll periods will be considered qualified provided an employee is in paid status with Washington County for no less than 90% of their regularly scheduled hours for the Payroll Period. Pay received from PLO does not count towards qualification of qualified pay periods.
- 9.4 An employee will accrue sick and vacation hours as provided in the Personnel Rules and Regulations.
- 9.5 Step increase and review dates will be adjusted for unqualified payroll periods according to the provisions of the Personnel Rules and Regulations.

10. Use of Accrued Paid Leave:

- 10.1 If an employee receives payment from the Oregon Employment Department for PLO, they may use accrued leave to supplement their earnings for that pay period.
 - 10.1.1 Washington County is not responsible for any employee's PLO repayment obligations, penalties or reduction in benefits assessed by the State or Insurance carriers due to the employee's decision to use Washington County leave accruals.
- 10.2 Oregon Sick Time runs concurrently with FMLA, OFLA, and PLO when the employee is eligible, and the absence is for a qualifying reason under the applicable law.
- 10.3 When an employee's absence is only approved FMLA/OFLA, the employee must use all accrued paid leave, including any paid leave accrued during the employee's qualified leave, prior to commencing any period of unpaid leave.
- 10.4 Paid leaves include, but are not limited to vacation, administrative leave, floating holiday, compensatory time and, when applicable, sick leave.
- 10.5 Provisions for the use of accrued paid leave are outlined in the Administrative Procedures that accompany this policy (304-A).

11. Additional Leave at the End of Family Medical Leave:

- 11.1 After exhaustion of protected leave for an employee's own serious health condition and when additional available sick leave and other paid leave have been exhausted, an employee may request Sick Leave without Pay of a reasonable period of time in accordance with Personnel Rules and Regulations Section 7 regarding Sick Leave.

12. Return to Work:

- 12.1 If an employee has been on leave due to his or her own serious health condition, the employee must provide a timely Release to Work form completed by their healthcare provider to Human Resources Leave Administration.
- 12.2 Except under specified or limited circumstances, employees who take qualified leave under FMLA, OFLA, and PLO will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms or in compliance with

applicable leave laws.

- 12.3 The County retains the right to deny restoration in the following situations when the law allows:
- a. the employee would have lost the job due to layoff if he/she had not been on leave;
 - b. the employee fraudulently obtains leave;
 - c. the employee violates the County policy governing outside employment during the leave; or
 - d. the employee fails to provide a sufficient release to return to work from their health care provider upon return.

13. Health Benefit Continuation:

- 13.1 The County will continue its contribution to employer paid benefits during a leave period that is qualified under FMLA, OFLA, or PLO at the same level and under the same conditions as if the employee had continued to work.

14. The employee is responsible for their share of premiums. If premiums are not paid during the leave, the County will recover these premium contributions when the employee returns from leave. Procedures regarding benefit continuation are included in the Administrative Procedures that accompany this policy (304-A).

- 14.1 If the employee chooses not to return to work for reasons other than (1) a continued serious health condition of the employee or the employee's family member, or (2) a circumstance beyond the employee's control, the County may require the employee to reimburse the County the amount that it paid for the employee's health and life insurance premiums during the leave period.

- 14.2 Employees will be offered COBRA in accordance with the law should they not be able to return to work following a leave.

RESPONSIBILITIES: The Department of Human Resources is responsible for working collaboratively with Directors, managers, and supervisors to establish necessary procedures to implement and monitor this policy and may modify the established procedures as necessary to carry out the intent of this policy.

DISTRIBUTION: This policy shall be disseminated to all managers, supervisors, and employees of Washington County. Any questions, concerns, or comments related to this policy should be directed to the Chief Human Resources Officer or his/her designee.

IMPLEMENTATION: Observance of and adherence to this policy is mandatory for all County employees. Violation of this policy may result in disciplinary action up to and including termination.

PERIODIC REVIEW: This policy shall be reviewed by the Department of Human Resources at least every three years, or more often if needed, and updated as necessary.