

BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF ST. CLAIR

SUBJECT: Family and Medical Leave Act

ADOPTED: January 6, 2004

Legal Citation: U.S. Federal Law 103.3 - U.S. Department of Labor

The St. Clair County Road Commission complies with the rules and regulations of the Family and Medical Leave Act.

To be eligible for family and medical leave, an employee must have worked for the Employer for at least twelve months and for at least 1,250 hours in the twelve months prior to the first day of leave.

Family and medical leave may be taken by an employee for any of the following reasons:

- The birth of a son or daughter of the employee;
- The placement of a son or daughter with the employee for adoption or foster care;
- To provide care for the employee's son or daughter, spouse, or parent who has a serious health condition; or
- Due to a serious health condition of the employee that prevents the employee from performing their job.

In order to verify eligibility, the St. Clair County Road Commission shall require a certification from a health care provider that an employee or an employee's spouse, child or parent has a serious health condition. By definition, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- A period of incapacity (i.e. inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen). Taking of over-the-counter medications such as aspirin, antihistamines, or salves;

or bed rest, drinking fluids, exercise, and other similar activities that can be initiated with a visit to a health care provider, are not, by themselves, sufficient to constitute a regimen of continuing treatment for purposes of family and medical leave.

- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy).
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease).
- Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider (e.g. for restorative surgery after an accident or other injury), or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical treatment, such as chemotherapy or radiation treatments for cancer, physical therapy for severe arthritis, or kidney dialysis.

When leave is taken for medical reasons, the St. Clair County Road Commission shall require certification of the following:

- That the employee is unable to perform the functions of his position or the employee has an immediate family member (spouse, child or parent) with a serious health condition and the employee is needed to provide care;
- The date on which the serious health condition commenced;
- The probable duration of the condition;

For intermittent leave or leave on a reduced leave schedule, the certification can also require the following:

- For planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;
- For leave due to an employee's own serious health condition, a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule and the expected duration of the intermittent leave or reduced leave schedule; and
- For leave due to a family member's serious health condition, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, parent, or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

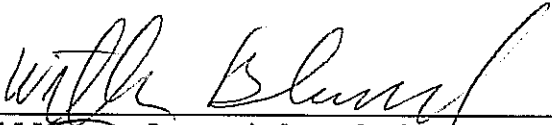
If the necessity for leave is foreseeable, the employee is required to provide the employer with at least thirty days' notice. If the employee fails to give thirty days' notice for foreseeable leave without reasonable excuse for the delay, the employer may delay the taking of FMLA leave until at least thirty days after the date the employee provides notice of the need for leave. If the necessity for leave is unforeseeable, the employee must give notice within two business days of when the need for leave becomes known to the employee. The employer shall provide a written form for the employee to submit request for leave. The employer will determine whether to designate the leave, paid or unpaid, as FMLA-qualifying and give notice to the employee of its decision within two business days.


FMLA leave is unpaid. However, the St. Clair County Road Commission shall require an eligible employee to substitute any accrued paid vacation leave, sick leave or personal leave to start and to run concurrently with the twelve-workweek period of leave. When all accrued paid leave is exhausted, the remainder of the FMLA period, if any, will consist of unpaid leave.

The employee shall be entitled to continuation of all benefits while on FMLA qualifying leave. Upon return to work, the employee shall be restored to the same or equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Unless the employee requests and receives an extension to the leave in writing or unless is otherwise provided in their applicable labor agreement, failure to return to work at the expiration of the leave period will subject the employee to immediate termination.

The St. Clair County Road Commission shall develop the respective written forms as required by the Family and Medical Leave Act. This policy shall be placed in the handbooks of the organization.

  
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William Blumerich, Chairman

  
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Donald M. Maronde, Managing Director