

- D. **Family & Medical Leave ACT:** In compliance with the Family and Medical Leave Act of 1993 (FMLA) and the January 28, 2008, Military Family Leave Provisions, Sevier County's Family and Medical Leave Policy allows eligible employees to take up to twelve (12) work weeks of unpaid leave for various family and medical reasons and up to 26 weeks for qualifying events connected to the Military Caregiver provisions of the law.

An "eligible employee" is defined as an employee who has been employed by Sevier County for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

1. FMLA unpaid leave may be taken for up to 12 weeks for any of the following reasons:
 - (a) Family leave for the birth and care of a newborn, for an employee;
 - (b) Family leave for a placement of a child with the employee for adoption or foster care;
 - (c) Medical leave to care for a spouse, child, or parent with a serious health condition;
 - (d) Medical leave due to the employee's own serious health condition that makes it impossible for the employee to perform the functions of his or her own job.
2. Military FMLA unpaid leave may be taken as follows:
 - (a) Military Exigency Leave: If you are the spouse, son, daughter or parent of a military service member on active duty, or on notice of an impending call to active duty, Sevier County will grant up to 12 weeks of unpaid leave in a 12 month period based on "any qualifying exigency".
 - (b) Military Caregiver Leave: If you are the spouse, son, daughter, parent or "next of kin" of a military service member who is injured in the line of duty, Sevier County will grant up to 26 weeks of unpaid leave in a rolling 12 month period to care for the injured family member.
 - (c) Other Provisions: In order to qualify for leave pursuant to the new Military FMLA amendments, an employee still must comply with other provisions of the FMLA. Note that if an employee requests FMLA leave to care for an injured service member and that employee has already taken FMLA leave in the past 12 months, the 26 week leave period will be reduced by the amount of leave previously taken.
3. Amount and Timing of Leave: An eligible employee is entitled to 12 or 26 weeks of unpaid FMLA leave within a 12 month period for one or more of the reasons listed above. However, if a husband and wife are both employed by Sevier County, they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent). Sevier County calculates FMLA entitlement on a "rolling 12 month" basis. The 12 month period begins on the first day of a particular FMLA leave.
4. Notice and Procedures for Requesting a Leave: Employees should make requests for medical leave by completing Form WH-381 to the Human Resource Director at least 30 days in advance of foreseeable events and as soon as possible for unforeseen events. Additional unprotected leave extending beyond the 12 or 26 weeks will only be granted upon further review and approval from management.
5. Certification for Medical Leaves: An employee requesting FMLA leave to care for a spouse, child or parent or due to his or her own serious health condition must provide Sevier County with a medical certification completed by a health care provider verifying the need for medical

leave and the probable duration of the leave. The medical certification form may be obtained from Human Resources. Sevier County will not determine if a leave falls under the FMLA guidelines until the medical certification form is received. Sevier County may require an employee on FMLA leave to report periodically on his or her status or intent to return while on leave. A fitness certification will be required in order to return to work at the conclusion of the FMLA leave period.

6. **Use of Paid Leave:** An employee must use all accrued sick leave, vacation leave, and compensatory time, before using unpaid leave while on FMLA leave. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12 or 26 week FMLA entitlement. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Workers' Compensation, Short Term Disability, and Long Term Disability time off will be counted against the employee's 12 week FMLA entitlement.
7. **Health Care Coverage:** An employee may elect to continue coverage under Sevier County's group health and dental plans for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she were not on leave. An employee who elects coverage is required to continue to pay his/her portion of the monthly premium. Payment arrangements can be made with Human Resources to maintain health and dental insurance benefits while the employee is on leave. Failure to make premium payments when due may result in a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave.
8. **Reinstatement:** Upon returning from FMLA leave, an employee will be restored to their original position or be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present Sevier County with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work. If it is discovered the employee worked somewhere other than Sevier County while on FMLA leave, Sevier County maintains the right to terminate employment with the employee.