


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 3.04</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: LEAVE WITHOUT PAY</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Educational Leave Family and Medical Leave Hazardous Weather 	<p>State Certification Standards:</p>		
<p>Special Instructions:</p>			

PURPOSE

The purpose of this General Order is to establish the policy and procedures for leave of absence without pay for employees of the Rabun County Sheriff's Office.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to allow employees leave of absence without pay for family and medical leave, educational leave and hazardous weather.

DISCUSSION

All leaves of absence without pay must be approved by the Sheriff. Also refer to the Rabun County Employee Handbook for other information in regards to leave without pay.

I. FAMILY AND MEDICAL LEAVE

A. Employer Requirements

FMLA requires covered employers to provide up to 12 weeks of paid or unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

B. Employee Requirements

Employees are eligible for FMLA unpaid leave if they have:

1. Worked for a covered employer for at least one year; and
2. Worked for 1,250 hours over the previous 12 months.

C. Reasons For Taking Leave

Under FMLA unpaid leave must be granted for any of the following reasons:

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
or
3. For a serious health condition that makes the employee unable to perform the employee's job.

Note: Employees may be required to use their personal leave for personal illness, or vacation leave for any part of the 12-week period. When paid leave has been exhausted, employee's may complete their 12 week period with unpaid leave.

D. Leave may be denied if the following requirements are not met:

1. Certification of a serious health condition.

In order to receive FMLA an employee must provide certification of a serious health condition, be it his or hers or that of a family member's. Certification is to include:

- a. The date on which the serious health condition in question began;
- b. The probable duration of the condition; appropriate medical facts regarding the condition;
- c. A statement that the employee is needed to care for a spouse, parent or child (along with an estimate of the time required), or that the employee is unable to perform his/her functions; and
- d. The dates and duration of treatments to be given, in the case of intermittent leave.

2. Advance Notice for Leave

The employee may be required to provide advance leave notice. The employee ordinarily must provide 30 days advance notice when the leave is foreseeable.

3. Second or Third Opinions

The County may require second or third opinions (at the County's expense).

E. Employment Protection

1. Upon return from FMLA leave the County will restore the employee to his/her original or equivalent position with equivalent pay, benefits, and other employment terms.
2. The use of FMLA cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

F. Benefits Protection

1. For the duration of FMLA leave, the County will maintain the employee's health coverage under any "group health plan."
2. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
3. Employees continue to receive health benefits for up to 12 weeks during family leave on the same terms and conditions as for active employees.
4. The employee must continue to pay appropriate premiums, co-payments, deductibles and other out-of-pocket expenses.
5. An employee who does not return after a 12-week family leave is:
 - a. Entitled to elect up to 18 months more coverage under COBRA;
 - b. May be required to reimburse the County for premiums paid on his/her behalf during the time of unpaid leave, except in the case of the continuation, recurrence or onset of a serious health condition; or other circumstances beyond the employee's control.

G. Serious Medical Condition

1. Leave for serious health conditions or other reasons may be taken in accordance with the Family and Medical Leave Act.
2. Time off may be taken intermittently or on a reduced schedule if medically necessary, with proper notification. If leave is requested because of an illness of a child or the spouse, each spouse is entitled to 12 weeks of leave.
3. Serious Health Condition is an illness, injury, impairment or physical or mental condition involving either inpatient care or continuing treatment by a health care provider.
4. In the event leave is foreseeable based on planned medical treatment, employees are required to "make a reasonable effort to schedule the treatment so as not to unduly disrupt operations of the department," and also are required to provide 30 days advance notice, or, if the treatment is in less than 30 days, "such notice as practicable."

H. Fitness For Return To Duty

The employee who has been out on leave due to personal illness must submit a fitness for duty report in order to return to work for the County.

I. Other Considerations

1. Failure of an employee to return to work at the expiration of approved leave shall be considered absent-without-leave, constituting grounds for disciplinary action up to and including dismissal.
2. An employee granted a leave-of-absence who wishes to return to work before the leave period has expired shall be required to notify his/her immediate supervisor. Upon approval of the Sheriff, the employee shall be permitted to return to work.
3. No personal leave will be earned by an employee for the time that the employee is on leave-without-pay.
4. An employee, while on an authorized leave-of-absence without pay may not obtain either part-time or full-time employment elsewhere without the prior approval of the Sheriff.
5. Employee health insurance will be provided by the County while the employee is on approved FMLA or medical leave-of-absence. An employee on personal leave for more than one month is required to pay the employee COBRA contribution rate in order to continue health benefits.
6. Pay increases scheduled during the leave time will be held until the employee returns to work.

II. EDUCATIONAL LEAVE

- A. An employee may be granted an unpaid leave of absence for educational purposes under certain circumstances.
- B. The request must be made in writing.

III. HAZARDOUS WEATHER

A. Leave Options

If hazardous weather conditions make it unduly hazardous for an employee to report to his/her place of work or the employee arrives late or leaves early, the department director and/or supervisor will discuss with the employee which of the following actions will be selected:

1. Making up the time lost from work at a time scheduled by the department head;
2. Using accrued vacation leave; or
3. Taking leave without pay.

Note: When unable to report to work due to weather conditions, employees shall notify their supervisor as soon as possible.

B. Critical Positions During Hazardous Weather

Certain positions require mandatory coverage because they provide a critical service to the County. The Sheriff may wish to provide transportation to assure proper staffing of services.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County