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COUNTY DEPARTMENT AGENDA REQUEST

Department/Division: Human Resources

Department Head: Connie Boehnke

Presenter, if needed: Lewis Patterson

Preferred Meeting Date: January 2, 2008

Topic:

Proposed change to Family and Medical Leave Act (FMLA) Policy.

Background/History/Details:

FMLA leave is currently required to be taken concurrently with accrued sick leave. The proposal would change this to require employees to use all available accrued sick and annual time before applying for FMLA. This will be as equitable as possible to all employees regardless of seniority and accrued leave time. The proposal would conservatively reduce the number of FMLA leaves by about 40% annually, translating into a cost saving to the county of $3,084 because of the reduction in administrative time needed to oversee these leaves. The Board will not pay any additional sick leave over this extended period of leave as medical benefits for employees on approved medical leave are already paid by the county. By shifting the FMLA leave to begin after accrued leave has been exhausted, additional job protection will be afforded to the employees along with a reduction of paperwork for bot the employee and the county, resulting in cost savings for both, as the employees will save out of pocket expenses they currently pay to some health care providers who charge upwards of twenty or even thirty dollars to complete paperwork.

What action are you seeking from the Board of Commissioners?

Approval of proposed policy change.

If this item requires funding, please describe:

Has this issue come before the Commissioners in the past? No

If so, when?

Do you need audio-visual for the presentation? No

STAFF USE ONLY

Wording for the Agenda:

Consideration to approve the revised FMLA policy recommended by Human Resources.

○ Finance Review Complete ○ Legal Review Complete ● Administrative Staff Review Complete

Administrator's Approval Yes

Confirmed Meeting Date Wednesday, January 2, 2008

○ Recognition/ Presentation ○ Public Hearing ○ Old Business ● New Business ○ Consent ○ Report ○ Other

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Lewis Patterson, Human Resources Administrator

Date: December 27, 2007

Subject: Proposed Change to Family and Medial Leave Act (FMLA) Policy

Currently, Family and Medical Leave Act (FMLA) approved leave must be taken concurrently with accrued sick leave providing the greatest benefit to employees who maintain minimum sick leave balances. The proposed change from concurrent to consecutive provides equity to all employees, regardless of seniority and accrued leave time. The proposal would require employees to first exhaust available accrued sick time and annual time before applying for FMLA leave. Included would be the option of using any accrued compensatory time.

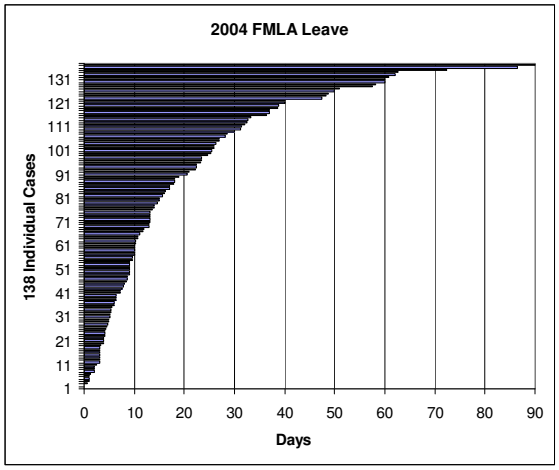
From calendar year 2004 to date there have been 481 FMLA leaves which equates to an average of 120 per year. Over the last five years, the average annual sick leave usage per employee is approximately 8 days. Meanwhile, the average length of service for Fayette County employees equals 8.48 years, which equates to an annual available accrual of 15 annual leave days. Combined, the average employee accrues 23 days annually to use toward a qualified medical leave before they would have to apply for FMLA leave.

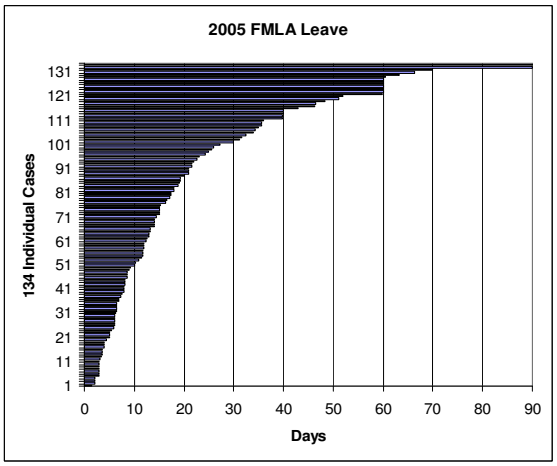
By applying the 23 days to the graphs on the following page, FMLA leave and the accompanying paperwork would be reduced by 75% as a result of the proposed changes to the FMLA Policy. Realizing that every employee may not maintain the maximum accruals for sick and annual leave, the proposed policy change would conservatively reduce the number of FMLA leaves each year by 65%, which translates into a cost savings of $5,011 per year due to the reduced amount of paperwork being processed in Human Resources along with the tracking and follow up on each case.

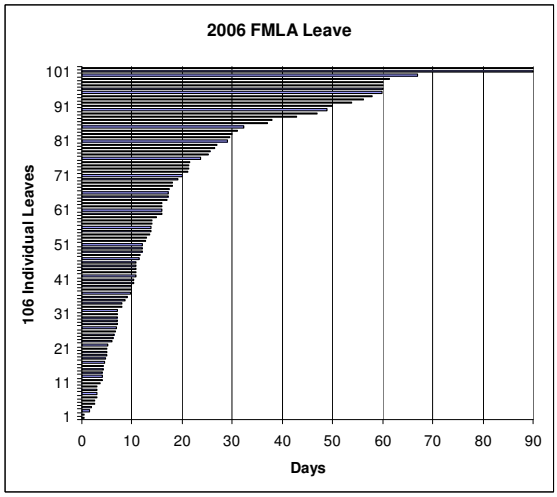
In addition, employees can collectively realize an out of pocket savings of about $1,500 annually on fees that health care providers charge to complete federally required FMLA paperwork. There are an increasing number of health care providers charging ten and fifteen dollars per page to complete paperwork for their patients with some even in the twenty to thirty dollar range.

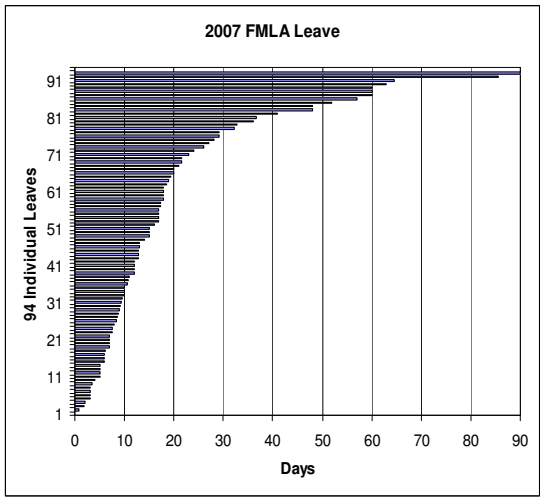
You can see by reviewing the graphs on the next page that the FMLA usage over the last four years is very consistent. The bottom line on the graphs represents the number of days the leave lasted up to ninety. The left hand column represents the number of FMLA leaves. By shifting FMLA leave to begin after an employee has used their accrued sick and annual time, the number of short term leaves

and accompanying paperwork will be significantly reduced, provide equity throughout the work force while achieving cost savings for both the employer and the employee.









By amending the policy, the board will not be paying any additional sick leave, as FMLA leave is not required to be compensated. The board already pays for medical benefits for employees who are on approved medical leave, so that cost will not increase.

The current practice complies with federal law, but does not afford employees any additional benefits and in actuality is basically a recordkeeping burden. By shifting FMLA leave to begin after accrued leave is exhausted, the employee receives extended job protection, over half of the FMLA leaves will be eliminated and in turn the paperwork will be reduced accordingly for both the

employer and the employee, resulting in cost savings for both. This will allow the board to improve benefits and morale without increasing cost.

Attached is a copy of the current FMLA Policy with proposed changes.

Thank you for your consideration of this proposed policy change.

Cc: Connie Boehnke
Jack Krakeel

PURPOSE

Comment [A1]: INCLUDES REVISIONS TO PROVIDE FOR FMLA BEING CONSECUTIVE TO SICK LEAVE. See pages 2 & 3.

FMLA entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons.

POLICY

Employees who have been employed at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period preceding the commencement of the leave.

Eligibility

Definitions

1. "Serious Health Condition" is an illness, injury, impairment or physical or mental condition that involves (a) inpatient care in a hospital, hospice or residential medical care facility; and/or (b) continuing treatment by a health care provider.

Comment [A2]: clarification

2. "Parent" includes a biological parent or an individual who stood on loco parentis to the employee.

3. "Child" includes biological children, adopted children, foster children, legal wards.

4. "Spouse" includes only the legal marital partner of the employee.

5. "Health Care Providers" includes doctors of medicine or osteopathy; podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice in the State of Georgia, Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts, and any health care provider authorized to practice in the State of Georgia.

Reasons for leave

An employee is eligible for up to twelve (12) weeks of leave annually for one or more of the following reasons:

1. Birth of a child and to care for that child (entitlement to leave for this reason expires at the end of one year after birth of the child and the employee is to provide at least 30 days notice, if foreseeable); or

2. Placement of child for adoption or foster care of a child (entitlement to this leave expires one year after placement of the child, and if foreseeable, employee is to provide at least 30 days notice). Foster care is defined as requiring State action rather than just an informal arrangement to take care of another person's child; or

3. Serious personal health condition making employee unable to perform his/her job functions more than (3) three calendar days: or

4. Care of a parent, spouse, or child with a serious health condition. A qualifying child must be under 18 years of age or, if older, incapable of self care due to a physical or mental disability.

Conditions of Leave

1. ~~Employee is required to use accrued sick and vacation time concurrently with the family and medical~~

~~leave before being placed on unpaid leave.~~ Employee is required to use accrued sick and vacation time prior to requesting Family and Medical Leave.

Comment [A3]: Revised

2. Employee must give 30 days notice for all requests for leaves of absence for any planned medical treatment, if possible.

3. All requests for leaves of absence for a serious medical condition of the employee, spouse, parent or child may be accompanied by a physician's certification of the existence of such medical condition. Re-certification may be required every 4 weeks during a continuous leave of absence.

4. Intermittent leave or a reduced schedule of work may be permitted for leave granted for serious health condition of employee, spouse, child or parent. The County reserves the right to temporarily transfer the employee to an alternate position or shift with equivalent pay and benefits if the position better accommodates the occurring period of leave than the employee's regular position.

5. If a husband and wife are both employed by the County, a combined total of 12 weeks of leave are applicable for a qualifying event.

Responsibilities

1. Employee: The employee requesting family and medical leave must complete a FMLA Application and submit it to his/her department head for approval and forward to the Director of Human Resources. Upon request, the employee may be required to provide a Certificate of Health Care Provider form within 15 days of the request. Timely payment of any contributions or premiums due for coverage is required. Re-certify every 4 weeks during a continuous leave. Notify Department Head, 5 days prior to the employee's planned return.

2. Department: The Director, Chief or Department Head is required to approve leave for eligible employees who meet the criteria as outlined in this regulation. Submit leave requests on behalf of employee when applicable conditions of leave exist. Supervisors are prohibited from discriminating against employees who take family and medical leave in employment decisions such as performance appraisals, promotions or disciplinary actions. Departments are required to keep posted the poster notifying employees of the provisions of the FMLA. If an employee notifies a supervisor of a need for leave which may be eligible under this policy, the supervisor should inquire further of the employee to determine if FMLA is appropriate.

3. Department of Human Resources: The Department of Human Resources will serve as advisor to employees and directors, chiefs or department heads on the requirements of eligibility for family and medical leave and provisions of FMLA. The Department of Human Resources will be responsible for providing the employee with an Employer Response to Employee Request for Family or Medical Leave form. All medical records pertaining to family and medical leave will be maintained in a confidential employee medical file in the Department of Human Resources. Department of Human Resources will maintain records of FMLA taken by County employees.

Benefits During Leave

The County will continue to pay their portion of applicable benefits throughout the duration of the leave. Employees will be required to continue to make any contributions/premiums that they made prior to taking leave. Employees who fail to pay their portion may result in loss of coverage.

1. Health Insurance: The County will provide and pay for the same health care coverage during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

2. Life Insurance: The County will provide and pay for the same life insurance coverage during this

twelve (12) week Family and Medical Leave in the same manner as for active employees.

3. Reimbursement Benefits: The County will provide and pay for the same reimbursement benefits during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

4. Long-Term Disability: The County will provide and pay for long-term disability during this twelve (12) week Family and Medical Leave in the same manner as for active employees.

5. Short -Term Disability: The employee will be responsible for timely payment of this benefit during this twelve (12) week Family and Medical Leave.

6. Optional Benefits: The employee will be responsible for timely payment of these benefits during this twelve (12) week Family and Medical Leave.

Restoration of Employment Following Leave

Notification to return to work must be given to the Director, Chief or Department Head 5 days prior to the employee's planned return.

Failure to Return to Work

Employees who fail to return to work upon expiration of the leave will be subject to termination unless an extension is granted.

Use of Paid Leave and Family and Medical Leave

An employee is required to take any available paid sick leave or vacation prior to requesting Family and Medical Leave. Accrued sick leave must be used first, then remaining leave time. An employee has the option of using accrued compensatory time. Family and Medical Leave is taken consecutive to paid leave. For example, if an employee has available two weeks of vacation, then a 12 week Family and Medical Leave, the leave would consist of 2 paid vacation weeks and 12 unpaid leave weeks.

Comment [A4]: Added

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