

**DELAWARE COUNTY**

Subject FAMILY MEDICAL LEAVE ACT (FMLA)	Effective October 8, 2015	Supersedes Policy January 16,2009 March 21, 2013	This Sheet 1	T. Sheets 22 (including forms)
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1.0 Purpose

To ensure that the Delaware County Offices/Departments comply with the federally mandated Family and Medical Leave Act (FMLA) of 1993, the National Defense Authorization Act of 2008 and 2010. This policy meets the applicable federal standards. Additional/other leaves of absences may be approved by the appointing authority pursuant to County policy.

2.0 Scope

This policy pertains to all departments operating under the authority of the Delaware County Board of Commissioners however, Federal Law requires this of all entities, and therefore, it is recommended that all Offices adopt such a policy to ensure compliance.

3.0 Distribution

To all departments operating under the authority of the Delaware County Board of Commissioners.

4.0 Definitions

- A. *COVERED EMPLOYER* is all public employers, regardless of the number of employees employed, and all private employers with fifty (50) or more employees for each working day during each of twenty (20) or more calendar workweeks in the current or preceding calendar year. (Twenty (20) calendar weeks do not need to be consecutive.)
- B. *ELIGIBLE EMPLOYEE* is a person:
  - 1. employed by the County for twelve months, which need not be consecutive; however, employment periods prior to a break in service of seven years or more need not be counted unless the service was caused by fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA) or unless specified differently in a collective bargaining agreement;
  - 2. has worked or been in a paid status (e.g. vacation, sick leave, holiday pay, compensatory time, previous FMLA leave, etc.) at least 1250 working hours in the twelve (12) month period prior to the date on which leave is to commence, and
  - 3. is employed at a worksite where fifty (50) or more employees are employed by the employer or the employer employs fifty (50) or more employees within seventy-five (75) miles of the worksite.
- C. *PAID STATUS* is time away from work with pay or FMLA leave, (e.g. vacation, sick leave, holiday pay, compensatory time, previous FMLA leave, etc.).
- D. *UNPAID LEAVE* is time taken away from work without pay. FMLA leave may be unpaid leave, but will be classified as paid status although the employee will not accrue service time or seniority during unpaid FMLA. Unpaid leave not qualified as FMLA leave will not be classified as paid status.
- E. *INTERMITTENT LEAVE* is leave taken by an employee in blocks of time, or by reducing their normal weekly or daily work schedule.

- F. **SERIOUS HEALTH CONDITION** means an illness, injury, impairment, or physical or mental condition that involves either:

**1. Hospital Care**

**Inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection to such inpatient care; OR

**2. Continuing treatment by a health care provider, which includes:**

A period of incapacity lasting **more than three consecutive, full calendar days** (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

**a. Treatment two or more times** by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); OR

**b. One Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment** (i.e., an in-person visit within 7 days of the first day of incapacity with a continuing regimen of treatment such as prescription medication, physical therapy, etc.

**3. Pregnancy**

Any period of incapacity due to **pregnancy** or **prenatal care**.

**4. Chronic Conditions Requiring Treatments**

A **chronic condition** which:

**a.** Requires **periodic visits** of at least two visits per year for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

**b.** Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and

**c.** May cause **episodic** rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

**5. Permanent/Long Term Conditions Requiring Supervision**

A period of **incapacity** which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, severe stroke, or the terminal stages of a disease.

**6. Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either 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 intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

**Incapacity** means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

**Treatment** includes examinations to determine if a serious health condition exists and evaluations of the condition. **Treatment does not include** routine physical examinations, eye examinations, or dental examinations.

**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. **A regimen of treatment does not include** the 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 without a visit to a health care provider.

Conditions That Typically Are Not Serious Health Conditions Under the FMLA

1. Cosmetic treatments, such as for acne or plastic surgery, except after an injury or removal of a cancerous growth or if complications develop.
2. Common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraine), or routine dental or orthodontia problems, unless complications develop.
3. Allergies or mental illness resulting from stress unless all requirements of serious health condition are met.
4. Substance abuse unless absence is for treatment.

G. *HEALTH CARE PROVIDER* means:

1. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
2. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law, or
3. Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
4. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
5. Any health care provider recognized by the employer or the employer's group health plan benefits manager.

H. *IMMEDIATE FAMILY MEMBER* includes a spouse, parent, or son or daughter under eighteen (18) unless disabled. It does not include non-disabled adult children, unmarried partners, in-laws, siblings, grandparents, or other relatives, unless the person stood in *loco parentis* to the employee before the employee reached the age of majority.

I. *ACTIVE DUTY*.—The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

J. *COVERED SERVICEMEMBER*.—The term "covered service member" means a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness or the aggravation of an existing or pre-existing injury, of an active duty service member of the armed forces. A "covered service member" also includes veterans undergoing treatment, recuperation or therapy for an illness or injury incurred in the line of duty as long as the veteran was a member of the Armed Forces, National Guard or Reserves within five years of requiring care.

K. *OUTPATIENT STATUS*.—The term "outpatient status", with respect to a covered service member, means the status of a member of the Armed Forces assigned to -  
1. a military medical treatment facility as an outpatient; or

2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

L. *NEXT OF KIN*.—The term "next of kin", used with respect to an individual, means the spouse, son, daughter, parent or nearest blood relative of that individual.

M. A "serious injury or illness", for purposes of the 26 week military caregiver leave means either:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or
- b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
  - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

## 5.0 Policy

### **Leave Entitlement**

- A. In accordance with the federal Family and Medical Leave Act of 1993 and the National Defense Authorization Act, an eligible employee is entitled to an unpaid leave of absence of up to twelve (12) workweeks during any (12) twelve month period measured backward from the date the leave commences for one of the following reasons:
1. for the birth and care of the newborn child of the employee;
  2. for placement with the employee of a son or daughter for adoption or foster care;
  3. to care for an immediate family member including a spouse, child under 18 years of age or child 18 years or older if incapable of self-care because of mental or physical disability, or the employee's parent (but not parent in-laws), of the employee, with a serious health condition;
  4. to take medical leave when the employee is unable to work because of a serious health condition; or

5. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the Regular Armed Forces, National Guard or Reserves.
- B. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a single 12 month period if the leave is to care for a covered service member.
- Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for an immediate family member who has a serious health condition.
- C. Leave for birth and care of a newborn, or placement of a child for adoption or foster care must conclude within 12 months of the birth or placement.
- D. Under certain circumstances, employees may take FMLA leave intermittently either by taking leave in blocks of time or by reducing their normal weekly or daily work schedule.
1. If FMLA is for birth and care of a newborn or placement of a child for adoption or foster care, use of intermittent leave is subject to the employer's approval.
  2. FMLA leave may be taken intermittently only when there is a medical need for leave **and** the need is best accommodated via intermittent leave in order to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
  3. FMLA leave may be taken intermittently to care for a covered service member with a serious health condition or injury or for a qualifying exigency arising out of active duty status or call to active duty of a covered military member.
  4. Intermittent or reduced schedule leave may be taken by the employee in any size increments, and Delaware County shall charge intermittent or reduced schedule FMLA leave against the employee's twelve (12) workweek or twenty-six (26) work week (where eligible) total by the quarter hour (15 minute) increment.
  5. Employees using any form of intermittent leave for planned medical treatment must make reasonable efforts to schedule medical treatment so as not to unduly disrupt business operations.
  6. Employees using intermittent leave due to chronic conditions may be asked to provide re-certification every thirty (30) days in connection with an absence.
- E. If leave to care for an immediate family member or for the employee's own serious health condition is planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt the County's operation or interfere with the employee's work schedule.
- F. All employees shall be required to substitute all accrued but unused compensatory time, vacation, personal, family, or sick leave for unpaid FMLA leave with the following limitations:
1. Employees shall not utilize sick leave to be substituted for FMLA leave unless the situation involves a serious health condition. Under the FMLA, sick leave shall not be used for the birth or placement of a child unless it is used for the employee's own recovery after giving birth or for care of an ill family member.
  2. The utilization of sick leave for the care of an ill family member following birth or placement of a child shall only be approved when medical evidence of a serious health condition is provided on the proper form (U.S.D.O.L. Form WH-380 F, Certification of Health Care Provider).

3. Employees shall substitute paid leave for unpaid FMLA leave in the following order:
- a) for the birth and care of the newborn child of the employee:
    - sick leave shall be utilized for the extent of inpatient care in the hospital and continued to the extent as certified by a qualified health care provider as a serious health condition,
    - thereafter, all accrued compensatory time shall be utilized until exhausted or the employee returns to work,
    - all accrued vacation leave shall be utilized until exhausted or until the employee returns to work,
    - requests for leave must follow employee's department procedures and may be approved or denied accordingly.
  - b) for placement with the employee of a son or daughter for adoption or foster care:
    - all accrued compensatory time shall be utilized until exhausted or the employee returns to work,
    - all accrued vacation leave shall be utilized until exhausted or until the employee returns to work,
    - requests for leave must follow employee's department procedures and may be approved or denied accordingly.
  - c) to care for an immediate family member of the employee with a serious health condition or for the employee's own serious health condition:
    - sick leave shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
    - all accrued compensatory time shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
    - all accrued vacation leave shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
    - requests for leave must follow employee's department procedures and may be approved or denied accordingly.
  - d) for "qualifying exigency" leave, accrued leaves shall be utilized in accordance with County policy. Requests for leave must follow employee's department procedures and may be approved or denied accordingly.

- G. Even if the employee does not designate or request that absence be covered under the FMLA, the County may, upon proper notification, designate a qualifying absence as FMLA leave.

When an employee seeks leave due to a FMLA qualifying reason for which the employer has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

- H. "Next of Kin" / Military Caregiver Leave: In accordance with the National Defense Authorization Act of 2008 and 2010, an eligible family member of a covered service member will be able to take up to 26 workweeks of leave in a "single 12-month period" measured forward from the date the leave commences to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons and may be taken intermittently. This type of leave may be used by family members of veterans to care for veterans undergoing treatment, recuperation or therapy for a serious illness or injury incurred in the line of duty, as long as the illness or injury was within five years of the date of treatment, recuperation or therapy. The coverage applies even if the injury or illness manifested itself after the service member's discharge from military service.

The National Defense Authorization Act of 2010 also expands military caregiver leave so that employees may use FMLA to care for a covered service member's serious injury or illness incurred because service on active duty aggravated an existing or preexisting injury or injuries.

- J. "Qualifying Exigency" Leave: This military leave entitlement helps families of members of the regular armed forces when deployed to a foreign country, as well as members of the National Guard and Reserves manage their affairs while the member is on active duty. This provision makes the normal 12 workweeks in a rolling calendar year of FMLA job-protected leave available to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. "Qualifying Exigency Leave" may be taken intermittently when necessary.
1. Qualifying Exigencies:
    - a. Short-notice deployment of 7 days or less;
    - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
    - c. To arrange for childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
    - d. To take care of financial and legal affairs and matters for a covered military family member;
    - e. To attend non-health care provider counseling arising from active duty in the military or the call to active duty status of the covered military member;
    - f. Up to fifteen days to spend time with a covered military service member on rest and recoupment leave during deployment;
    - g. Attending to certain post deployment activities including attending arrival ceremonies, reintegration briefings, and events and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status and addressing issues arising from the death of a covered military member.
    - h. Additional activities not encompassed in the other categories, but agreed to by Delaware County and the employee.
- K. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the "single 12 month period". Only 12 of the 26 weeks total may be for a FMLA qualifying reason other than to care for a covered service member.

### **Maintenance of Health Benefits**

- A. As required under the FMLA, Delaware County will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will be made for employees to continue to pay their share of health insurance premiums while on leave. Payment must be made by the first day of each month with a thirty (30) day grace period or benefits shall terminate.
- B. If the employee chooses not to continue coverage while on leave, upon proper return to work, the employee shall be reinstated into the plan on the same terms as prior to commencement of leave.

- C. As allowed under the FMLA, Delaware County shall make every effort to recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave without medical justification.

### **Job Restoration**

- A. Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.
- B. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. This includes salary increases that are across the board or for cost of living received by all employees in the same job classification.
- C. If paid leave is substituted for FMLA, then the employee shall continue to accrue service time during that paid status. If FMLA is unpaid leave, the employee shall not accrue service time or seniority during the unpaid status.
- D. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, Delaware County may refuse to reinstate certain highly paid "key" employees (highest paid 10% of all employees) after using FMLA leave during which health coverage was maintained. In order to do so the Delaware County must:
1. Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
  2. Notify the employee as soon as the employer decides it will deny job restoration, and explain the reasons for this decision;
  3. Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice, and
  4. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration

### **Other Provisions**

- A. Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave.

### **Procedure for Administration**

In accordance with the federal Family and Medical Leave Act of 1993 and the National Defense Authorization Act, an eligible employee is entitled to an unpaid leave of absence of up to twelve (12) workweeks measured backward from the date the leave commences or twenty six (26) workweeks measured forward from the date the leave commences (if the leave is for military caregiver leave).

**(The Supervisor should provide his/her employee with a copy of the FMLA policy including the appropriate U.S. Department of Labor's certification form and notify Human Resources when the employee misses work or will miss work due to one of the following reasons):**

1. for the birth and care of the newborn child of the employee;
2. for placement with the employee of a son or daughter for adoption or foster care;



3. to care for an immediate family member (spouse, child under 18 years of age or child 18 years or older if incapable of self-care because of mental or physical disability, or the employee's parent (but not parent in-laws) of the employee with a serious health condition; or
  4. to take medical leave when the employee is unable to work because of a serious health condition.
  5. military caregiver leave;
  6. qualifying exigency leave.
- A. Employees must provide notice when a qualifying event occurs and/or is planned to occur as follows:
1. For foreseeable need for leave, including prenatal visits, the employee must provide thirty (30) days notice to the employer; if thirty (30) days is not possible, then as soon as practical, or
  2. For unforeseeable need for leave, employees must notify the employer as soon as practical.
  3. An employee must complete the appropriate leave form and submit it to their supervisor, director or appointing authority for approval along with the appropriate FMLA forms.
  4. If the employee has been absent from work for one of the qualifying reasons without providing the above notice, that leave may be considered as part of the 12 work week period (or 26 workweek period for military care giver leave) upon the employer discovering the qualifying event depending upon the reason for the failure to provide proper notice. Any further leave the employee is entitled to take under this policy will be for 12 workweeks (or 26 workweek period for military care giver leave) less the amount of such absent time previously taken.
  5. The employee should provide notice by completing the appropriate forms as indicated within this policy. (Form A, Application for Family or Medical Leave).
  6. If the employee has incurred previous absences for one of the qualifying reasons, he/she shall complete Form A1, Explanation of Prior Leave.
  7. Failure to honestly complete FMLA forms in the prescribed manner may result in FMLA leave being rejected or revoked and the possibility of disciplinary action up to and including termination.
- B. Upon receipt of an Application for Family or Medical Leave, Delaware County shall either approve FMLA leave or require medical certification of the initial need for leave of an employee's annual FMLA entitlement. The County will give this indication of approval or request for appropriate medical, qualifying exigency or military caregiver certification by completing the appropriate U.S.D.O.L. Certification Forms. The County will notify the employee of eligibility / ineligibility within five (5) business days after leave is requested or it has knowledge the leave is for an FMLA reason, absent exigent circumstances. If the employee will use paid time for the majority of the leave, the employee must complete a "Leave Request Form" and submit the form to his/her supervisor. If the majority of the employee's leave will be unpaid, a request for leave form and an employee action form with appropriate approvals must be completed.
1. The employee shall provide such certification to Delaware County within fifteen (15) days after receiving the requirement to provide such certification. The employee shall use U.S.D.O.L. Form WH-380 E (employee) or F (family), Certification of Health Care Provider to provide this certification in cases involving a serious health condition of the employee or eligible family member. In cases involving serious injury or illness of a covered service member for military family leave the employee must use U.S.D.O.L Form WH-385 or use Form WH-384 for certification of qualifying exigency for military family leave. All entries within the certification must be answered sufficiently and completely.
    - a) Delaware County Human Resources may contact the employee's doctor or service provider directly to authenticate / clarify the certification.
    - b) Delaware County may request subsequent certifications every 30 days, upon expiration of the period specified in the certification, when circumstances change, or when the validity of the certification is in doubt.

- c) Failure of the employee to provide a complete and sufficient certification in a timely manner may result in:
    - For foreseeable leave, leave may be denied until a complete and sufficient certification is received,
    - For unforeseeable leave, continuation of leave may be denied, and
    - If certification is never received, if the certification is incomplete or is insufficient FMLA leave will be denied.
  - d) Expenses for all such certifications, including subsequent certifications and clarifications, shall be paid by the employee or by insurance, if covered.
- 2. Delaware County may obtain a second medical opinion from a health care provider of Delaware County's choice at the expense of Delaware County.
  - 3. If the employee's medical certification and the second medical opinion disagree, Delaware County may require a third, final, and binding evaluation of the employee by a health care provider selected mutually by Delaware County and the employee. The cost of the third evaluation shall be borne by Delaware County.
- C. Prior to an employee's return to work for FMLA leave due to his/her own serious health condition, the employee shall provide a fitness-for-duty certification from a health care provider showing that the employee can perform the functions of his/her position. The employee or health care provider must submit the fitness-for-duty certification directly to Human Resources. The employee shall not return to work until such certification is provided and may be terminated at the expiration of leave if fitness-for-duty certification is not provided and the employee does not have other leave (*e.g.*, sick leave, compensatory, vacation, or personal leave, if granted) to cover further absence. The employee shall utilize Form C, Health Care Provider's Certification of Ability to Return to Work, as the fitness- for- duty certification.

**Employer Responsibilities**

- A. The County will post an approved Department of Labor FMLA notice in a conspicuous place.
- B. The employer will provide a copy of this policy to each employee and provide training periodically as needed on the employee's rights and responsibilities under the FMLA.