

CORPORATE POLICY

SUBJECT: Leave of Absence

CATEGORY: Human Resources

ORIGINAL DATE: May 24, 2006

REVIEWED DATE: ~~July 3,~~

~~2017~~ May 24, 2023

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~~2020~~ May 24, 2023

I. POLICY:

Eligible Lake County Health Department and Community Health Center (LCHD/CHC) employees may apply for ~~the following types of leaves of absence:~~

- Family and Medical Leave Act (FMLA) Leave, including ~~m~~Military Caregiver/eExigency Lease
- Extended Medical Leave Americans with Disabilities Act (ADA)
- Temporary Personal Leave
- School Visits
- Victim's Economic Security and Safety Act (VESSA) Leave

II. SCOPE:

All Lake County Health Department and Community Health Center (LCHD/CHC) employees.

III. PROCEDURE:

A. Family and Medical Leave Act (FMLA) Eligibility Requirements

1. An employee employed for a total of 12 months (need not be consecutive), and who has worked for LCHD/CHC for at least 1,250 hours during the preceding 12-month period, is eligible for up to 12 weeks of FMLA per 12-month period if unable to work due to a serious health condition or for any of the following reasons:
 - a. The birth of the employee's child and to care of their for the newborn child;;
 - b. The placement and care of their newly adopted or foster child;;
 - c. To provide care for an immediate family member (spouse, child, or parent but not "parent in-law") who has a serious health condition. ~~(The term "child" means a son or daughter under the age of 18; adult children are not included unless the adult child is incapable of self-care due to a physical or mental disability.) (The terms "parent", "son" and "daughter" are defined by federal regulation 29 CFR 825.122).~~
 - d. To provide care for a covered service member, including veterans with a serious injury or illness. Eligible employees are the spouse, son, daughter, parent or next of kin of the covered service member. and The employee shall be entitled to a total of 26 weeks of leave during a 12-month period in which to provide care. ~~(The term "covered service member" is defined by federal regulation 29 USC 2611; ; ~~The term "next of kin" is defined by federal regulation 29 CFR 825.122).~~~~
 - e. Qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty ~~(or has been notified of an~~

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impending call or order to covered active duty) in the Armed Forces. (The term "covered active duty" is defined by federal regulation 29 USC 2611; ~~the~~ The term "qualifying exigency" is defined by federal regulation 29 CFR 825.126).

2. The entitlement to leave for the birth, adoption, or foster of a child expires 12 months from the date of the child's birth or placement. Any such FMLA leave must be concluded within this one-year period. ~~Unless medically necessary, such leave may not be taken in segments or intermittently without the written approval of the employee's Director.~~
3. The 1,250 hours required for eligibility includes only those hours worked for LCHD/CHC and does not include time spent on paid leave, unpaid leave, IMRF disability leave, or FMLA leave.
4. Eligibility for FMLA leave will be determined in accordance with the definitions set forth in the FMLA and the applicable FMLA regulations in effect at the time the employee's eligibility for leave is being determined. For purposes of the FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical facility or any period of incapacity or subsequent treatment relating to such inpatient care.
 - b. Any period of incapacity (i.e., inability to work or perform regular daily activities due to the condition, treatment of the condition, or recovery from treatment), that:
 - i. Lasts more than three (3) consecutive calendar days and involves one in-person treatment by a health care provider, a nurse under direct supervision of a health care provider, or a provider of health care services (e.g., a physical therapist) under orders of or on referral by a health care provider (absent extenuating circumstances) within seven (7) days of the first day of incapacity, and either:
 - involves a second in-person treatment that occurs (absent extenuating circumstances) within 30 days of the first day of incapacity; or
 - results in a continuing regimen of continuing treatment under the supervision of a health care provider.
 - ii. Any period of incapacity due to pregnancy or prenatal care that involves continuing treatment by a health care provider.
 - iii. Any period of incapacity or treatment for incapacity due to a "chronic serious health condition" that continues over an extended period (including recurring episodes of a single underlying condition), requires periodic visits (defined as at least twice a year) for treatment by a health care provider and may cause episodic rather than continuing periods of incapacity.
 - iv. Incapacity that is long-term or permanent due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal illness, ~~etc.~~).
 - v. Any period of absence to receive multiple treatments (including any

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period of recovery) by, or on referral by, a health care provider either for restorative surgery after accident or injury or for a condition that likely would result in incapacity for more than three (3) consecutive days, if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

5. For purposes of this policy, the determination of whether an employee qualifies for FMLA leave will be based on the definition of "serious health condition" contained in federal regulation 29 CFR 825.113. Pursuant to that regulation, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease do not meet the definition of a serious health condition and, therefore, do not qualify for FMLA leave.

6. FMLA leave may be taken only for treatment of substance abuse (including alcohol abuse) by or on referral from a health care provider. Absences caused by an employee's use of a substance other than for medical treatment do not qualify for FMLA leave.

6.7. An employee may not work for another employer while on FMLA. Such outside employment is grounds for immediate termination.

B. Placement of Employees on FMLA

1. An employee ~~who is eligible or appears to be eligible~~ may be placed on FMLA leave by LCHD/CHC, even if the employee has not applied for such leave, ~~if it appears the employee has a serious health condition~~. Examples of situations where an employee may be placed on FMLA leave include, but are not limited to, ~~the following~~:
 - a. The employee ~~appears to have~~ has a serious health condition involving inpatient care at a hospital, hospice, or residential medical facility.
 - b. The employee has missed more than three (3) consecutive calendar days of work due to an illness or injury (including a workplace injury) that appears to qualify as a serious health condition, as defined above.
 - c. The employee ~~appears to have~~ has a serious health condition that leaves them unable to work or unable to perform any of the essential functions of their position.
 - d. The employee has been approved for IMRF disability leave, worker's compensation payments, or has requested a leave of absence for medical reasons, and the absence otherwise qualifies under ~~the~~ FMLA.
 - e. Employees ~~who are~~ placed on FMLA leave will have their time off counted against their 12 weeks of leave entitlement even if they are using paid benefit time or are receiving worker's compensation payments or IMRF disability payments during their absence from work. The start date of the employee's FMLA leave may be retroactive to the first workday missed due to the serious health condition. If the employee is on an IMRF disability leave, a medical leave of absence or on leave due to an occupational injury, that leave will run concurrently with the employee's FMLA leave until the FMLA leave is exhausted.
 - f. If Human Resources (HR) determines an absence may qualify as FMLA leave, the employee will be required to submit ~~documentation and a~~ completed medical certification to the third-party administrator ~~within a~~

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~~specified period as defined in Paragraph 5(b) (Applying for FMLA leave).~~ If an employee fails to submit the documentation and/or certification within that designated period or submits incomplete documentation and/or certification and does not correct this deficiency, the employee may be subject to discipline, and/or denied the use of paid benefit time.

C. Length of FMLA

1. An employee eligible for FMLA leave may receive up to 12 weeks of FMLA leave per ~~a~~ 12-month rolling period. The 12-month rolling period is determined retroactively from the date the employee is placed on FMLA leave. In determining eligibility and ~~how much the amount of~~ FMLA leave an employee may be entitled to, HR will subtract any FMLA time ~~that~~ the employee used during the preceding 12-month period. For employees ~~who are~~ placed on FMLA leave, the start date of their FMLA leave may be retroactive to the first workday ~~that~~ the employee missed due to their serious health condition.
2. An employee ~~who is~~ eligible for FMLA Military Caregiver/Exigency ~~L~~leave may receive up to 26 weeks in a single 12-month period. The single 12-month period is determined by the first day the employee takes leave and ends 12 months after that date regardless of the method used to determine leave for other FMLA-qualifying reasons. If the entire 26 weeks are not used in that 12-month period, ~~it is all remaining time is~~ forfeited.
3. As provided under federal regulation 29 CFR 825.205, an employee's normal "work week" prior to the start of FMLA leave is the controlling factor for determining ~~how much the amount of~~ FMLA time an employee uses when on leave. Employees will be able to use their FMLA time in no less than fifteen (15) minute increments based on the employee's scheduled hours.
4. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave will be used for calculating the employee's normal work week.
5. Where both spouses work for Lake County, they may, at Lake County's discretion, be limited to a combined total of 12 weeks of FMLA leave if they are seeking leave for:
 - a. The birth of their newborn child and to care ~~of a for the~~ newborn child.
 - b. The placement and care of ~~an~~ their newly adopted or foster child, ~~and to care for the newly placed child.~~
6. Where both spouses work for Lake County, they may, at Lake County's discretion, be limited to a combined total of 26 weeks of FMLA leave if both spouses are requesting to take Military Caregiver/Exigency ~~L~~leave.

D. Use of Paid Benefit Time While on FMLA

1. Time off under FMLA is unpaid unless the employee has benefit time available or is receiving worker's compensation or IMRF disability benefits. If an employee has benefit time available, the employee will be required to use their accrued sick leave, floating/holiday hours, and vacation leave time, in that order. This paid time off must be used concurrently with the employee's FMLA leave, and must be exhausted before the unpaid portion of the employee's FMLA leave commences. However, if an employee qualifies for IMRF disability payments, the employee will not be required to use their paid benefit time once they satisfy

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IMRF's 30 day waiting period. If the employee stops receiving IMRF disability payments or worker's compensation payments while still on FMLA leave, the employee will then be required to resume use of available benefit leave time for the remainder of the leave, as specified above.

2. An employee may elect to use compensatory time for FMLA leave but is not required to do so. Personal leave of absence time under Section III.G.6 may be used for FMLA leave at the employee's discretion. Employees on FMLA leave will not accrue benefit time while on unpaid status or while receiving IMRF disability payments, or worker's compensation payments.
- E. Applying for FMLA Leave (this section also applies to ~~these~~ employees placed on designated FMLA leave by HR)
 1. If an employee needs to take time off for reasons the employee believes may qualify for FMLA leave, the employee must comply with LCHD/CHC usual and customary policies and procedures for reporting absences. If necessary, the third-party administrator may contact the employee to request additional information or documentation regarding the absence. Failure to comply with LCHD/CHC absence reporting policies and procedures or to provide documentation or information requested by a third-party administrator may result in delay or denial of requested time off, and/or disciplinary action.
 - a. Notice of Leave
 - i. An employee intending to take FMLA leave because of an expected for the birth or placement of a child, or because of a planned medical treatment, must apply for leave at least 30 calendar days before the leave is to begin. If the employee provides less than 30 days' notice of the time off, the employee may be required to explain, in writing to the third-party administrator, why it was not practicable to provide 30 days' notice.
 - ii. If the need for FMLA leave was not foreseeable and the leave is to begin less than 30 calendar days from the date of leave application, the employee must give notice to their immediate supervisor and third-party administrator as soon as the employee learns of the need to take leave.
 - iii. Failure to give timely notice may delay the start of leave and may result in the denial of paid benefit time and/or disciplinary action.
 - iv. When scheduling leave time, the employee will be is expected to consult with their supervisor to work out a schedule that, to the extent possible, meets the employee's needs without unduly disrupting LCHD/CHC operations. The employee must follow the above procedure each day they are absent unless the absence for that day has been scheduled and approved in advance.
 2. Medical Certification
 - a. The "Certification of Health Care Provider," must be completed by the employee's ~~(or family member's)~~ health care provider confirming the existence of a serious health condition and the anticipated duration of the expected leave. This form should be submitted directly to the third-party administrator within 15 days. Employees taking Military Caregiver/Exigency Lleave must provide written documentation confirming a covered military

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member's active duty or call to active duty in support of a contingency operation. Both the supervisor and HR will be notified of the status.

- b. It is the employee's responsibility, at their own expense, to provide the third-party administrator with any information needed as contained in the medical certification form, ~~at the employee's expense~~, to determine whether the requested leave qualifies as FMLA leave. The FMLA requires the employee to respond to reasonable requests for information regarding the leave request, and the employee's failure to do so may result in delay or denial of the requested leave.
 - c. When the leave is foreseeable and 30-day notice has been provided, the medical certification ~~should~~ is to be submitted to the third-party administrator before the leave begins. If it is not practicable for the health care provider to provide a completed, sufficient certification form within 15 days despite a diligent, good faith effort to do so, the third-party administrator must be contacted to explain the situation in writing. If the application and certification forms are mailed to the employee's address on file, they will be presumed to have been received by the employee within three (3) days of being mailed.
 - d. If the certification form is incomplete (i.e., one or more items are left blank) or insufficient (i.e., responses are vague, illegible, ambiguous, or non-responsive), the third-party administrator will notify the employee of the deficiency. The employee will then have seven (7) calendar days to have the health care provider submit a complete, sufficient certification. If it is not practicable to provide a completed, sufficient certification form within seven (7) days despite their diligent, good faith effort to do so, the employee must contact the third-party administrator to explain the situation.
3. Authentication and Clarification
 - a. A third-party administrator may contact the health care provider to authenticate a completed certification form by providing the health care provider a copy of the form and requesting verification that the information contained on the form was written or authorized by the health care provider who signed the document.
 - b. Additionally, if the employee does not rectify any discrepancy as outlined above, the third-party administrator may request clarification of information on the certification form and may ask the employee to sign, or have the employee's family member sign, a release form authorizing the health care provider to communicate with the third-party administrator to clarify the certification. If the certification is unclear and the employee fails to provide a signed authorization or otherwise clarify the certification, the third-party administrator may deny the request for FMLA leave.
 4. Second and Third Opinions
 - a. HR may require an employee to obtain a second certification, at the County's expense, from a health care provider designated by HR. If the second health care provider's certification differs from the employee's health care provider's certification, HR may require the employee to obtain certification from a third health care provider, also at the County's expense. The third health care provider will be designated or approved jointly by the

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employee and HR. The employee and HR are required to act in good faith to attempt to reach agreement on a third health care provider. The third opinion will be final and binding.

5. Recertification

- a. If an employee takes leave due to their own or a family member's serious health condition, the employee's or family member's health care provider may be required to submit a complete and sufficient recertification as often as every 30 days in conjunction with an absence. If the ~~employee's~~ health care provider's initial certification specifies that the minimum duration of the condition for which the employee is taking leave is longer than 30 days, the ~~employee's~~ health care provider may be required to submit a recertification in conjunction with an absence when the minimum duration expires, or every six-months, whichever is less. The ~~employee's~~ health care provider may also be required to provide a recertification if the employee requests an extension of leave, the circumstances described in the original certification have changed significantly, or LCHD/CHC receives information raising doubt as to the stated reason for the leave or the continuing validity of the previously provided certification. The third-party administrator will provide the employee with the required recertification form.

6. Intermittent Leave

- a. FMLA permits employees to take leave on an intermittent basis or on a reduced schedule basis when medically necessary due to the employee's own serious health condition, to care for a seriously ill family member, due to the serious health condition of a covered service member or because of a qualifying exigency.
- b. For an employee to be eligible for intermittent FMLA leave there must be a medical need (as distinguished from voluntary treatments and procedures) and it must be that such medical need can best be accommodated through an intermittent leave schedule. The treatment regimen and the information contained in the medical certification of serious health condition must meet the requirements for certification of the medical necessity of intermittent FMLA leave. For an on-going serious health condition, employees will be required to provide periodic recertification of the medical necessity of intermittent FMLA leave. Requests for intermittent FMLA leave must be approved by the third-party administrator.
- c. Unless medically incapacitated, employees are required to report their time to ~~3rd~~the third-~~P~~party ~~Ad~~ministrator within 48 hours. Patterns of failing to report time may result in time off work being unprotected and subject to discipline.
- d. Employees ~~is~~are responsible for keeping track of their available FMLA time. Absences without FMLA time will be considered unauthorized and subject to discipline.
- e. Employees needing intermittent leave have an obligation to make a reasonable effort to schedule such treatment so as not to disrupt LCHD/CHC operations. If the employee has foreseeable planned medical treatment the Director may temporarily assign an employee to an alternative

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position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. If the employee has accrued benefit time available, they will be required to use their sick leave, floating holiday hours, and vacation time, in that order, to cover their absences. Personal leave and compensatory time may be used at the employee's discretion. After accrued benefit time is exhausted, the remainder of FMLA leave will be unpaid.

- f. Intermittent leave will only reduce the amount of allotted FMLA time by the amount of time taken. See [Section III.C, "Length of FMLA"](#), for further information on how the use of time will be calculated when the employee is on intermittent leave.
 - g. Intermittent leave may not be taken to care for a newborn or newly adopted or foster care child.
7. Benefits Coverage During Leave
- a. ~~While on FMLA leave, the employee will remain on the County's health plan, under the same conditions in effect before the employee went on FMLA leave.~~ To continue health coverage, ~~the employee~~s must continue to make any contributions they made to the plan before taking leave. Failure ~~of the by~~ [an](#) employee to pay their share of the health insurance premium may result in loss of coverage.
 - b. LCHD/CHC's obligation to maintain health benefits under FMLA stops when an employee informs LCHD/CHC [that](#) they do not intend to return to work at the end of the leave period, or if the employee fails to return to work at the end of their approved leave.
 - c. LCHD/CHC reserves the right to require the employee to reimburse LCHD/CHC for health insurance premiums LCHD/CHC paid during the employee's leave if LCHD/CHC finds evidence the employee misrepresented the need for leave or otherwise obtained the leave [through fraudulently](#). Employees on FMLA leave will not accrue benefit time or seniority once their accrued benefit time is exhausted or they start receiving [disability](#) payments from IMRF or the worker's compensation program. However, employees on FMLA leave will not lose any length of service benefits that accrued before the employee went on unpaid status.
8. Notice of Return from Leave
- a. Early Return from Leave
 - i. If an employee can return to work earlier than the date indicated on their FMLA application and medical certification, the employee must notify the third-party administrator, HR, and their immediate supervisor at least two (2) working days prior to the date they intend to report to work.
 - b. Confirmation of Scheduled Return to Work Date
 - i. Employees must notify the third-party administrator, HR, and their immediate supervisor at least seven (7) business days prior to their scheduled return to work date and confirm their return-to-work status. If this is not possible due to an unforeseen change in circumstances, the employee must notify the third-party administrator of the change as soon as practicable.
 - ii. If an employee's own medical condition prevents them from returning to

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work at the end of the FMLA leave, the employee must notify the third-party administrator at least seven (7) business days prior to their scheduled return to work date and request additional FMLA leave. ~~If the FMLA leave has been exhausted the employee can apply for extended medical leave by submitting an "Application for Extended Medical Leave" and a medical certification completed by their treating physician, "Certification of Health Care Provider", to HR (see section III.F, "Extended Medical Leave").~~ If the employee is requesting additional FMLA leave, the employee will be required to submit a recertification from their health care provider. If the employee is not approved for additional FMLA leave ~~or an extended medical leave~~ and the employee fails to return to work on their originally scheduled return to work date, the employee may be discharged from employment.

- iii. If an employee is unable to return from FMLA leave for a reason other than their own serious health condition, the employee must notify the third-party administrator and their immediate supervisor no later than seven (7) business days before their original return to work date and either request additional FMLA leave ~~time~~ (if still eligible) or apply for a personal leave of absence (see section III.G, "Temporary Personal Leave"). If either request is denied or if no request is made, the employee ~~will be~~ is expected to return to work on their original return to work date, otherwise the employee may be discharged from employment.

9. Fitness for Duty Certification

- a. If an employee is returning from FMLA leave taken due to their own serious health condition, they must submit the following documentation to the third-party administrator at least two (2) working days prior to their return-to-work date:
 - i. A statement from their treating physician certifying they are fit to return to duty and can perform the essential functions of their job (or to the position restored to, if different) with or without a reasonable accommodation. The employee must submit the fitness for duty certification before they will be permitted to return to work.
 - ii. If the employee's treating physician has given work restrictions, a statement from the treating physician detailing the restrictions, the reason for the restrictions and whether the restrictions are permanent or temporary.
 - iii. If the employee is requesting a reasonable accommodation for an ADA qualifying disability, the employee should provide a statement detailing the accommodation being requested and how the request will enable the employee to perform the essential functions of their position.

10. Reinstatement After FMLA

- a. Upon return from FMLA leave, an employee will either be restored to their position or to a position with equivalent pay, benefits, and other terms and conditions of employment so long as there is not a basis to deny reinstatement. Situations where an employee may be denied reinstatement

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include, but are not limited to, ~~the following~~:

- i. The employee gave unequivocal notice they do not intend to return to work at the end of the leave period.
 - ii. The employee qualifies as a "key" employee under FMLA regulations (29 CFR 825.217) and is a salaried FMLA-eligible employee ~~who is~~ among the highest paid 10 percent of all ~~Health Department LCHD/CHC~~ employees and the restoration of their employment would cause substantial and grievous economic injury to LCHD/CHC operations.
 - iii. The employee's leave was obtained ~~by~~ fraudulently or through misrepresentation.
 - iv. The employee was hired for a specific term or for a specific project/grant that has since been completed.
 - v. The employee was subject to a reduction in force.
 - vi. The employee is unable to perform the essential functions of their job with or without reasonable accommodation of a qualifying disability.
 - vii. The employee would not otherwise have been employed at the time of reinstatement if they had not been on FMLA leave.
 - viii. The employee failed to provide required notices or certifications while on leave and/or failed to provide a fitness for duty certification from their treating physician at the end of the leave.
- b. If an employee was on introductory status or a coaching plan at the time they went on FMLA leave, that introductory period or coaching plan will resume, upon their return to work, at the same point it was at on the day the employee's leave began. If discipline was pending prior to their FMLA leave, the supervisor may proceed with that discipline upon the employee's return to work.
- c. ~~The Health Department LCHD/CHC~~ cannot guarantee employees will be returned to their original position and reserves the right to place employees in equivalent positions. The determination as to whether a position qualifies as "equivalent" will be made by the HR Director or designee. Employees returning from FMLA leave may submit a written request for a different shift, ~~schedules~~schedule, or position but the decision to grant such a request will be within the discretion of the employee's Director.

~~F. Extended Medical Leave of Absence~~

- ~~1. An extended medical leave of absence is available to those non-introductory employees who already exhausted their annual 12-week entitlement of FMLA leave but due to their own serious health condition are still unable to perform the essential functions of their position. A request for an extended medical leave must contain a statement from the employee's physician stating the amount of additional leave time being requested and the reason(s) for the extended leave. Requests for an extended medical leave must be approved by the employee's Director and the HR Director or designee. Employees will not be approved for an extended medical leave of absence unless the employee was previously approved for and has already exhausted their annual 12-week FMLA entitlement. Employees who are approved for an extended medical leave of absence may receive up to three (3) months of leave time. In determining~~

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- whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record (including the employee's attendance and disciplinary record, length of employment and performance history) as well as the staffing needs of the program.
- ~~2. An extended medical leave of absence is an unpaid leave of absence unless the employee is using available benefit time or the employee is receiving payments through IMRF or the worker's compensation program.~~
 - ~~3. Employees who are not receiving IMRF disability or worker's compensation payments must exhaust all accrued paid benefit time (sick leave, floating/holiday hours, compensatory time and general leave time) before they will be placed on unpaid status.~~
 - ~~4. To apply for an extended medical leave, submit an "Application for Extended Medical Leave" and a medical certification, the "Certification of Health Care Provider", completed by treating physician certifying the nature and extent of the health condition and the estimated return to work date. For an extended medical leave, the medical certification must be completed by any health care provider that is a doctor of medicine. Subject to the approval of the HR Director, LCHD/CHC may require, at LCHD/CHC expense, the employee submit to a medical examination by a physician (chosen by LCHD/CHC) to determine the need for leave and/or whether the employee is able to return to work and perform the essential functions of their position.~~
 - ~~5. During an extended medical leave, employees may be required by HR to provide recertification of the need for leave and/or periodic reports on the employee's return to work status. The employee must forward this documentation directly to the HR Director.~~
 - ~~6. As soon as leave is granted (or where it is extended), the Director should forward a Personnel Action Form (PF-04) to HR noting the employee is on leave.~~
 - ~~7. To continue health insurance coverage, the employee must continue to make any contributions they made to the plan prior to taking leave. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage.~~
 - ~~8. Employees on an extended medical leave must notify HR and their Director in writing at least ten (10) working days prior to the employee's return to work date and either confirm their return to work date or request additional leave time. At that time, the employee must provide HR with a medical statement from their treating physician certifying they are fit to return to duty and they are able to perform the essential functions of their job with or without a reasonable accommodation. If the treating physician has given the employee work restrictions, those restrictions, the reasons for those restrictions and whether the restrictions are permanent or temporary must be clearly stated in the physician's statement. If the employee is requesting a reasonable accommodation for an ADA qualifying disability, the employee should provide a statement detailing the accommodation being requested and how the accommodation will enable the employee to perform the essential functions of their position.~~

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- ~~9. Before an employee is allowed to return to work, the HR Director or designee may require that an employee provide further medical information from their physician and/or submit to a fitness for duty examination (conducted by a physician of LCHD/CHC choosing and at LCHD/CHC expense). HR may delay the employee's return to work date if additional time is needed to clarify the employee's return to work status or if HR has scheduled or is awaiting the results of a fitness for duty examination. If the employee does not have benefit time available; this additional time off will be unpaid.~~
- ~~10. Upon return from an extended medical leave of absence that lasted three (3) months or less, the employee may be returned to their original position, if available, or to an open position in the employee's department that the employee is qualified for and the best candidate to perform. If the employee's original position was filled while the employee was on leave and a comparable position in the same department (that the employee is qualified for and the best candidate to perform) is not available, the employee may be placed in a position (that the employee is qualified for and the best candidate to perform) with a lower grade level and lower rate of pay. If no such position is available in the employee's department, the employee may be discharged from employment. In such cases, neither a reduction in pay and/or grade or a discharge from employment may be grieved under LCHD/CHC Grievance Procedure.~~
- ~~11. An employee returning from leave may also be denied reinstatement under the following circumstances:~~
 - ~~a. The employee is unable to perform the essential functions of their job, with or without a reasonable accommodation of a qualifying disability under the ADA.~~
 - ~~b. The employee's position was eliminated due to a reduction in force.~~
 - ~~c. The employee was hired for a specific term or a specific project/grant that has since been completed.~~
 - ~~d. The employee failed to provide required notices or certifications while on leave and/or failed to provide a fitness for duty certification from their treating physician or failed to submit to a requested fitness for duty examination.~~
 - ~~e. The employee's leave was obtained by fraud or misrepresentation.~~
 - ~~f. The employee's employment would otherwise have been terminated if the employee had not been on leave.~~
 - ~~g. The employee failed to return to work upon the expiration of their extended medical leave of absence.~~
- ~~12. If an employee is denied reinstatement for one of those reasons, their discharge from employment may not be grieved under LCHD/CHC Grievance Procedure.~~
- ~~13. If an employee was on introductory status or a coaching plan at the time they went on extended medical leave, that introductory period or coaching plan will resume, upon their return to work, at the same point it was at on the day the employee's leave began unless the introductory status was due to a promotion and the employee no longer holds that position. If discipline was pending prior to their extended medical leave, the supervisor may proceed with that discipline upon the employee's return to work.~~
- ~~14. An extended medical leave of absence may not exceed three (3) months.~~

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~~However, an employee may request up to an additional three (3) months of leave by submitting a written appeal to the HR Director. If this appeal is granted by HR and the employee's Director, the employee may receive additional leave time but there is no guarantee of reemployment at the end of this additional leave period. In determining whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record (including the employee's attendance and disciplinary record, length of employment and performance history) as well as the staffing needs of the program.~~

- ~~15. A written appeal for additional leave time must contain a "Certification of Health Care Provider" completed by the employee's treating physician stating the reasons why additional time is needed and the employee's expected return to work date. This written appeal should be made as soon as the employee realizes they will not be able to return at the expiration of the extended medical leave period but, at a minimum, the appeal must be received by the HR Director no later than ten (10) business days before the employee's current medical leave is set to expire.~~
- ~~16. If an employee fails to return to work upon the expiration of their extended medical leave, their employment may be terminated unless the HR Director and the employee's Director have approved an extension of leave.~~
- ~~17. If a non-introductory employee has exhausted their annual FMLA leave entitlement but still requires additional time off from work to provide care for an immediate family member (as defined by FMLA policy), the employee may apply for a temporary personal leave of absence (see section III.G, "Temporary Personal Leave").~~

~~If an employee is not eligible for FMLA leave but is a qualified individual with a disability (as defined by the Americans with Disabilities Act) and wishes to request a temporary leave of absence as a reasonable accommodation, the employee may apply for a temporary personal leave of absence (see section III.G, "Temporary Personal Leave").~~

- ~~— Americans with Disabilities Act (ADA)~~
- ~~— Under ADA, a person must have a disability which is defined by ADA as someone who has a physical or mental impairment that substantially limits one or more major life activities. Examples of major life activities include, but are not limited to, breathing, walking, talking, hearing, seeing, sleeping, care for oneself, performing manual tasks, and working.~~
- ~~— A reasonable accommodation is a modification or adjustment to a job or the work environment that assists the employee to perform the essential functions of their position. A modification enables an individual with a disability to have equal opportunity to successfully perform their essential job tasks to the same extent as those without a disability.~~
- ~~— Applying for ADA~~
 - ~~— Employees who believe they have a physical or mental impairment as defined by the ADA, should contact the third party administrator in order to apply for ADA.~~
 - ~~— The third-party administrator will request the employee's physician to~~

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- complete an ADA Medical Inquiry Form. If the employee's physician previously completed a FMLA medical certification, the physician will also be asked to complete the ADA Medical Inquiry Form.
- The employee will need to complete an ADA Accommodation Request Form detailing the accommodation and how the request will enable them to perform the essential functions of their position. Depending on the amount of time that has passed since the original request was submitted to the third-party administrator or if circumstances have changed, the employee's physician may be asked to provide an updated ADA Medical Inquiry form. All forms must be submitted to HR for review.
- ADA Interactive Process
 - An employee seeking a reasonable accommodation to perform the essential functions of their position will be asked to participate in the ADA interactive process with HR. The interactive process refers to the dialogue and good faith efforts of all involved parties to determine the necessity and reasonableness of the accommodation request.
 - During the interactive process documents from the employee's physician and the employee will be reviewed and discussed to determine what, if any, accommodation can be made.
 - When determining if an ADA request can be accommodated, consideration will be given to the employee's needs as well as the operational needs of the program/department. ADA requests for medical leave, beyond the time approved by the third party administrator, or reasonable accommodation must be approved by the employee's Director and HR Director or designee.
- Use of Paid Benefit Time During ADA
 - Employees not receiving IMRF disability or worker's compensation must exhaust all accrued paid benefit time (sick leave, floating/holiday hours, compensatory time, and general leave time) before they will be placed on unpaid status.
- Recertification
 - Employees may be required to provide recertification of the need for accommodation, and/or periodic reports on their return to work and must forward this documentation to HR.
- Benefit Coverage During ADA
 - Employees must continue to make any contributions they made to the plan prior to requesting an accommodation. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage. LCHD/CHC's obligation to maintain health benefits stops if and when an employee informs LCHD/CHC that they do not intend to continue to work with an accommodation or to work at all.
- Fitness for Duty Certification
 - If an employee no longer needs an accommodation, they must submit the following documentation to HR at least two (2) working days before the accommodation is to stop.
 - A statement from the treating physician certifying the employee is fit to return to duty and can perform the essential functions of their job, or to

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- ~~the position restored to, without a reasonable accommodation.~~
- ~~— At the conclusion of an ADA accommodation, the employee may be returned to their original position, if available, or to an open position in the employee's department that the employee is qualified for and the best candidate to perform. If the employee's original position was filled while the employee had an accommodation and a comparable position in the same department that the employee is qualified for and the best to candidate to perform is not available, the employee may be placed in a position that they are qualified for and the best candidate to perform with a lower grade level and lower rate of pay. If no such positions are available, the employee may be discharged from employment. In such cases, a reduction in pay and/or grade level nor a discharge from employment may be grieved under LCHD/CHC's Grievance Procedure.~~
 - ~~— An employee may also be denied reinstatement. If an employee is denied reinstatement for one of the following reasons, their discharge from employment may not be grieved under LCHD/CHC's Grievance Procedure.~~
 - ~~— The employee is unable to perform the essential functions of their job, with or without a reasonable accommodation of a qualifying disability under ADA.~~
 - ~~— The employee's position was eliminated due to a reduction in force.~~
 - ~~— The employee was hired for a specific term or project/grant that has since been completed.~~
 - ~~— The employee failed to provide required notices or certifications and/or failed to provide a Fitness for Duty certification from their physician or failed to submit to a requested fitness for duty examination.~~
 - ~~— The accommodation was obtained fraudulently or through misrepresentation.~~
 - ~~— The employee's employment would otherwise have been terminated if the employee had not been accommodated.~~
 - ~~— The employee failed to return to work upon the expiration of their accommodation.~~
- F. ~~If an employee was on probationary status or a coaching plan at the time an ADA accommodation was granted, that probationary status or coaching plan will resume at the conclusion of the accommodation at the same point it was at on the day the accommodation began unless the probationary status was due to a promotion and the employee no longer holds that position. If discipline had been pending prior to the employee's leave, the supervisor may proceed with that discipline upon the employee's return to work.~~ Temporary Personal Leave
1. Continuous Temporary personal leave may be granted for a maximum of three (3) months at the discretion of the employee's Director and HR Director or designee. ~~Personal leave may be granted for a maximum of three (3) months.~~ Intermittent personal leave is not an option with temporary personal leave.
 2. Personal leave may be requested for educational or family purposes or for a purpose ~~that is~~ approved by the employee's Director and the HR Director or designee. In determining whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment

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record, ~~(including the employee's attendance and disciplinary record, length of employment and performance history),~~ as well as the staffing needs of the program.

3. Personal leave is unpaid unless the employee has accrued benefit time (vacation time, compensatory time, floating/holiday hours or, if applicable, sick time) that can be applied to the leave time. If such benefit time is available, the employee will be required to exhaust that time before going on unpaid status.
4. The employee must ~~request personal leave on a Leave of Absence Request (PF-05) and complete a Health Department Leave of Absence application. If the leave is granted, the Director should forward a Personnel Action Form (PF-04) to HR noting the employee is on leave, complete the Temporary Leave Request form and submit it to their supervisor for approval. If approved by the supervisor, the signed form must be submitted by the supervisor to HR for review.~~
5. An employee on personal leave does not accrue vacation time or sick time for the period of the unpaid leave of absence. Such employees may continue medical and dental group insurance coverage and life insurance coverage, but only where the employee pays the total cost of such participation while on unpaid leave of absence. Such employees continue IMRF participation according to rules and requirements established by IMRF.
6. If an employee is not eligible for FMLA leave but is a qualified individual with a disability, ~~(as defined by the Americans with Disabilities Act)~~, and wishes to request a ~~temporary~~ leave of absence as a reasonable accommodation, the employee may apply for a ~~temporary personal~~ leave of absence by contacting the third-party administrator.
7. If an employee fails to return to work upon the expiration of their ~~personal~~ leave of absence, their employment may be terminated unless ~~their immediate supervisor, the HR Director, the immediate Supervisor,~~ and the Director have approved an extension of leave. If the employee is terminated from employment for failing to return to work on their originally scheduled return to work date, the termination may not be grieved under LCHD/CHC's Grievance Procedure.
8. Upon return from a ~~temporary personal~~ leave of absence, the employee may be returned to their original position, if available, or to an open position in the employee's ~~program~~ department that the employee is qualified for and the best candidate to perform. If the employee's original position was filled while the employee was on leave and a comparable position in the same ~~program~~ department ~~(that the employee is qualified for and the best candidate to perform)~~ is not available, the employee may be placed in a position ~~(that they employee is are~~ qualified for and the best candidate to perform) with a lower grade level and lower rate of pay. If no such positions ~~is are~~ available ~~in the employee's program,~~ the employee may be discharged from employment. In such cases, ~~neither~~ a reduction in pay and/or grade ~~level~~ nor a discharge from employment may be grieved under LCHD/CHC's Grievance Procedure.

G. School Visits

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1. As of July 1, 1993, all Illinois employers of 50 or more must allow employees who have been employed at least six (6) months and have been employed at least half-time, up to eight hours leave to visit their child's school during the school year. An employee of Lake County may not take more than four (4) hours of school visitation leave in one day, and the leave may not be taken if the employee has not exhausted all accrued ~~vacation time, personal leave or any other type of leave~~ (leave time with the exception of sick time or disability leave). The employee may use their accrued compensatory time for this absence. An employee of Lake County wishing to take leave to visit a child's school must make a written request to their immediate supervisor or designee at least seven (7) calendar days in advance.
- H. Victim's Economic Security and Safety Act (VESSA)
 1. VESSA is an Illinois law that provides an employee who is a victim of domestic violence or sexual assault, or who has a family or household member who is a victim of domestic violence or sexual assault, with up to 12 weeks of unpaid leave per 12-month period for the following reasons:
 - a. To seek medical attention for, or recovery from, physical or psychological injuries caused by domestic violence or sexual assault ~~to the employee or the employee's family or household member.~~
 - b. To obtain victim services ~~for the employee or employee's family or household member.~~
 - c. To obtain psychological or other counseling ~~for the employee or the employee's family or household member.~~
 - d. To participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic violence or sexual assault.
 - e. To seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.
 2. All ~~Health Department LCHD/CHC~~ employees are eligible to apply for VESSA leave, including part-time and introductory employees. To demonstrate eligibility for VESSA leave, the employee must provide ~~HR~~ the third-party administrator with certification that:
 - a. The employee or the employee's family or household member is a victim of domestic violence or sexual assault.
 - b. The leave is for one of the purposes permitted under VESSA (see above). Such certification shall include a sworn statement from the employee and ~~the following~~:
 - i. Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance; or
 - ii. A police or court record; or
 - iii. Other corroborating evidence.
 3. The definition of "family or household member" means a spouse, parent, son, daughter, and persons jointly residing in the same household, including same-sex domestic partners. "Parent" means the biological parent of an

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employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son" or "daughter" means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older but incapable of self-care due to a mental or physical disability.

4. As provided under VESSA, employees may receive up to a total of 12 weeks of VESSA leave per 12-month rolling period. The 12-month "rolling" period is determined by measuring backwards from the date the employee is placed on leave. In determining eligibility and how much the amount of VESSA leave an employee may be entitled to, LCHD/CHC will subtract any VESSA time ~~that~~ the employee used during the preceding 12 months from the 12-week entitlement.
5. If the reason for the employee's VESSA leave also qualifies as a reason for FMLA leave and the employee is eligible for FMLA leave, the employee's VESSA leave will be designated as joint FMLA VESSA leave. In those situations, the employee will not receive 24 weeks of leave time but rather, the employee's VESSA and FMLA leave will run concurrently for up to a maximum of 12 weeks of leave per rolling 12-month period. ~~The employee will be directed to contact the third-party administrator to apply for FMLA leave.~~
6. Applying for VESSA Leave
 - a. The employee must provide their Director and HR with at least 48 hours' notice prior to taking VESSA leave, except in such cases where it is not practicable to provide such notice.
 - b. To apply for VESSA leave, the employee ~~should must bring~~ submit their sworn statement and certifying documents. ~~(documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance; a police or court record; or other corroborating evidence) as listed in Section I, paragraph 2.b.i, to HR the third-party administrator, and request an application for leave. In the application for leave, the employee must state the length of leave being requested, why leave is being requested and the date the employee expects to return to work.~~
 - c. If the employee does not provide notice, the employee must provide ~~HR the third-party administrator~~ with their sworn statement and application for VESSA leave within five (5) calendar days after leave is requested or the employee is tentatively placed on VESSA leave. The remaining certifying documents must be provided to ~~HR the third-party administrator~~ within fifteen (15) calendar days after leave is requested or the employee is tentatively placed on VESSA leave, whichever occurs first.
 - d. An employee who is eligible or ~~who~~ appears to be eligible for VESSA leave may be placed on VESSA leave by LCHD/CHC even if the employee has not applied for such leave.

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7. Use of Paid Benefit Time ~~While on~~ During VESSA Leave
 - a. Time off under VESSA leave is unpaid unless the employee has benefit time available and is eligible to use that benefit time during their VESSA leave. If an employee has benefit time available, the employee will be required to use all accrued vacation time, floating/holiday hours, and compensatory time before going on unpaid leave. Employees may also use Personal Leave if they wish.
 - a.b. If the reason for the VESSA leave meets the eligibility requirements for sick leave, the employee will also be required to exhaust all their accrued sick leave before going on unpaid leave unless the employee qualifies for IMRF disability payments. If the employee qualifies for IMRF disability payments, the employee will not be required to use their paid benefit time once they satisfy IMRF's waiting period. If the employee stops receiving IMRF disability payments while the employee is still on VESSA FMLA leave, the employee will then be required to use any available paid benefit time for the remainder of the leave.
 - b.c. If the employee does not have benefit time available, the leave will be unpaid.
 - c. ~~Personal leave time under Section III.G may be used for VESSA leave.~~
 - d. Employees on VESSA leave will not accrue benefit time during the time the employee is on unpaid status.
8. Intermittent VESSA Leave
 - a. Employees may take VESSA leave on an intermittent basis or on a reduced work schedule. Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt LCHD/CHC operations. The employee's Director may temporarily assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. If the employee has accrued benefit time available and is eligible to use that time, they will be required to use that time to cover their absences. After accrued benefit time is exhausted, the remainder of the employee's intermittent VESSA leave will be unpaid. Personal leave time may be used for intermittent VESSA leave.
9. Benefits Coverage During Leave
 - a. While on VESSA leave, employees on LCHD/CHC's health insurance plan will remain on that plan and under the same conditions in effect prior to the employing taking leave. To continue health insurance coverage, the employee must continue to make any contributions that they made to the plan prior to taking leave. Failure of the employee to pay their share of the health insurance premiums may result in loss of coverage.
 - b. ~~The Health Department~~ LCHD/CHC's obligation to maintain health benefits under VESSA stops when an employee informs LCHD/CHC that they do not intend to return to work at the end of the leave period, or if the employee fails to return to work at the end of their approved leave.

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- c. ~~The Health Department~~ LCHD/CHC reserves the right to require the employee to reimburse LCHD/CHC for health insurance premiums LCHD/CHC paid during the employee's leave if LCHD/CHC finds evidence the employee misrepresented the need for leave or otherwise obtained the leave ~~through~~ fraudulently.
 - d. Employees on VESSA leave will not accrue benefit time. However, employees on VESSA leave will not lose any length of service benefits that accrued before the employee went on unpaid status.
 - e. Holiday pay will not be paid during VESSA leave, except in those instances where the employee is on an intermittent or reduced schedule that makes the employee eligible for holiday pay or where the employee is on a paid leave at the time of the holiday and qualifies for holiday pay.
10. Notice of Return from VESSA Leave
- a. An employee must complete a "Notice of Intention to Return from Leave" at the time the employee submits their application for VESSA leave. The application should state the date the employee is expected to return to work. Once on leave, the employee is expected to remain in regular contact with HR and their immediate Supervisor and give periodic updates. If the employee has been on leave for more than two weeks, the employee ~~will be~~ is expected to notify HR and their immediate Supervisor at least five (5) working days prior to their return-to-work date and confirm they will be returning to work on that date or request additional leave time. If the employee has been on leave for less than two weeks, the employee is expected to notify HR and their immediate Supervisor at least two (2) working days prior to their return-to-work date. At that time, if the employee has concerns about the safety or security of their worksite, the employee should contact HR directly, to report those concerns.
 - b. An employee returning from VESSA leave that has also been designated as an FMLA leave must also comply with the return to work and notice requirements contained in LCHD/CHC's FMLA policy.
11. Reinstatement After VESSA
- a. Upon return from VESSA leave, an employee will either be restored to their position or to a position with equivalent pay, benefits, and other terms and conditions of employment so long as there is not a basis to deny reinstatement. Situations where an employee may be denied reinstatement include, but are not limited to, ~~the following~~:
 - i. The employee gave unequivocal notice they do not intend to return to work at the end of their leave.
 - ii. The employee's leave was obtained ~~by~~ fraudulently or through misrepresentation.
 - iii. The employee was hired for a specific term or for a specific project/grant that has since been completed.
 - iv. The employee was subject to a reduction in force.
 - v. The employee is unable to perform the essential functions of their job, with or without reasonable accommodation of a qualifying disability.
 - vi. The employee would not otherwise have been employed at the time of

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reinstatement if the employee had not been on VESSA leave.

vii. The employee failed to provide required notices or certifications while on leave.

b. If an employee was on introductory status or a coaching plan at the time they went on VESSA leave, that introductory period or coaching plan will resume, upon their return to work, at the same point it was at on the day the employee's leave began. If progressive discipline was pending prior to the VESSA leave, the supervisor may proceed with that discipline upon the employee's return to work.

c. ~~The Health Department~~ LCHD/CHC cannot guarantee employees will be returned to their original position and reserves the right to place employees in equivalent positions. The determination as to whether a position qualifies as "equivalent" will be made by the HR Director or their designee. Employees returning from VESSA leave may submit a written request for a different shift, schedule, or position but the decision to grant such a request will be within the discretion of the employee's Director.

IV. REFERENCES:

None

V. AUTHORS/REVIEWERS:

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee.

VI. APPROVALS:

Lake County Board of Health President

Signature: _____ Date: _____

CORPORATE POLICY

SUBJECT: Leave of Absence

CATEGORY: Human Resources

ORIGINAL DATE: May 24, 2006

REVIEWED DATE: May 24, 2023

REVISION DATE: May 24, 2023

I. POLICY:

Eligible Lake County Health Department and Community Health Center (LCHD/CHC) employees may apply for:

- Family and Medical Leave Act (FMLA) Leave, including Military Caregiver/Exigency Leave
- Americans with Disabilities Act (ADA)
- Temporary Personal Leave
- School Visits
- Victim's Economic Security and Safety Act (VESSA) Leave

II. SCOPE:

All LCHD/CHC employees.

III. PROCEDURE:

A. Family and Medical Leave Act (FMLA) Eligibility Requirements

1. An employee employed for a total of 12 months (need not be consecutive), and who has worked for LCHD/CHC for at least 1,250 hours during the preceding 12-month period, is eligible for up to 12 weeks of FMLA per 12-month period if unable to work due to a serious health condition or for any of the following reasons:
 - a. The birth of the employee's child and to care for the newborn child.
 - b. The placement and care of their newly adopted or foster child.
 - c. To provide care for an immediate family member (spouse, child, or parent but not "parent in-law") who has a serious health condition. The term "child" means a son or daughter under the age of 18; adult children are not included unless the adult child is incapable of self-care due to a physical or mental disability. The terms "parent", "son" and "daughter" are defined by federal regulation 29 CFR 825.122.
 - d. To provide care for a covered service member, including veterans with a serious injury or illness. Eligible employees are the spouse, son, daughter, parent or next of kin of the covered service member. The employee shall be entitled to a total of 26 weeks of leave during a 12-month period in which to provide care. The term "covered service member" is defined by federal regulation 29 USC 2611. The term "next of kin" is defined by federal regulation 29 CFR 825.122.
 - e. Qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces. The term "covered active duty" is defined by federal regulation 29 USC 2611. The term "qualifying exigency" is defined by federal regulation 29 CFR 825.126.

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2. The entitlement to leave for the birth, adoption, or foster of a child expires 12 months from the date of the child's birth or placement. Any such FMLA leave must be concluded within this one-year period.
3. The 1,250 hours required for eligibility includes only those hours worked for LCHD/CHC and does not include time spent on paid leave, unpaid leave, IMRF disability leave, or FMLA leave.
4. Eligibility for FMLA leave will be determined in accordance with the definitions set forth in the FMLA and the applicable FMLA regulations in effect at the time the employee's eligibility for leave is being determined. For purposes of the FMLA, a "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical facility or any period of incapacity or subsequent treatment relating to such inpatient care.
 - b. Any period of incapacity (i.e., inability to work or perform regular daily activities due to the condition, treatment of the condition, or recovery from treatment), that:
 - i. Lasts more than three (3) consecutive calendar days and involves one in-person treatment by a health care provider, a nurse under direct supervision of a health care provider, or a provider of health care services (e.g., a physical therapist) under orders of or on referral by a health care provider (absent extenuating circumstances) within seven (7) days of the first day of incapacity, and either:
 - involves a second in-person treatment that occurs (absent extenuating circumstances) within 30 days of the first day of incapacity: or
 - results in a continuing regimen of continuing treatment under the supervision of a health care provider.
 - ii. Any period of incapacity due to pregnancy or prenatal care that involves continuing treatment by a health care provider.
 - iii. Any period of incapacity or treatment for incapacity due to a "chronic serious health condition" that continues over an extended period (including recurring episodes of a single underlying condition), requires periodic visits (defined as at least twice a year) for treatment by a health care provider and may cause episodic rather than continuing periods of incapacity.
 - iv. Incapacity that is long-term or permanent due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal illness).
 - v. Any period of absence to receive multiple treatments (including any period of recovery) by, or on referral by, a health care provider either for restorative surgery after accident or injury or for a condition that likely would result in incapacity for more than three (3) consecutive days, if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).
5. For purposes of this policy, the determination of whether an employee qualifies for FMLA leave will be based on the definition of "serious health condition"

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contained in federal regulation 29 CFR 825.113. Pursuant to that regulation, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, and periodontal disease do not meet the definition of a serious health condition and, therefore, do not qualify for FMLA leave.

6. FMLA leave may be taken only for treatment of substance abuse (including alcohol abuse) by or on referral from a health care provider. Absences caused by an employee's use of a substance other than for medical treatment do not qualify for FMLA leave.
 7. An employee may not work for another employer while on FMLA. Such outside employment is grounds for immediate termination.
- B. Placement of Employees on FMLA**
1. An employee may be placed on FMLA leave by LCHD/CHC even if the employee has not applied for such leave. Examples of situations where an employee may be placed on FMLA leave include, but are not limited to:
 - a. The employee has a serious health condition involving inpatient care at a hospital, hospice, or residential medical facility.
 - b. The employee has missed more than three (3) consecutive calendar days of work due to an illness or injury (including a workplace injury) that appears to qualify as a serious health condition, as defined above.
 - c. The employee has a serious health condition that leaves them unable to work or unable to perform any of the essential functions of their position.
 - d. The employee has been approved for IMRF disability leave, worker's compensation payments, or has requested a leave of absence for medical reasons, and the absence otherwise qualifies under FMLA.
 - e. Employees placed on FMLA leave will have their time off counted against their 12 weeks of leave entitlement even if they are using paid benefit time or are receiving worker's compensation payments or IMRF disability payments during their absence from work. The start date of the employee's FMLA leave may be retroactive to the first workday missed due to the serious health condition. If the employee is on an IMRF disability leave, a medical leave of absence or on leave due to an occupational injury, that leave will run concurrently with the employee's FMLA leave until the FMLA leave is exhausted.
 - f. If Human Resources (HR) determines an absence may qualify as FMLA leave, the employee will be required to submit a completed medical certification to the third-party administrator. If an employee fails to submit the documentation and/or certification within that designated period or submits incomplete documentation and/or certification and does not correct this deficiency, the employee may be subject to discipline, and/or denied the use of paid benefit time.
- C. Length of FMLA**
1. An employee eligible for FMLA leave may receive up to 12 weeks of FMLA leave per 12-month rolling period. The 12-month rolling period is determined retroactively from the date the employee is placed on FMLA leave. In determining eligibility and the amount of FMLA leave an employee may be

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entitled to, HR will subtract any FMLA time the employee used during the preceding 12-month period. For employees placed on FMLA leave, the start date of their FMLA leave may be retroactive to the first workday the employee missed due to their serious health condition.

2. An employee eligible for FMLA Military Caregiver/Exigency leave may receive up to 26 weeks in a single 12-month period. The single 12-month period is determined by the first day the employee takes leave and ends 12 months after that date regardless of the method used to determine leave for other FMLA-qualifying reasons. If the entire 26 weeks are not used in that 12-month period, all remaining time is forfeited.
 3. As provided under federal regulation 29 CFR 825.205, an employee's normal "work week" prior to the start of FMLA leave is the controlling factor for determining the amount of FMLA time an employee uses when on leave. Employees will be able to use their FMLA time in no less than fifteen (15) minute increments based on the employee's scheduled hours.
 4. If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave will be used for calculating the employee's normal work week.
 5. Where both spouses work for Lake County, they may, at Lake County's discretion, be limited to a combined total of 12 weeks of FMLA leave if they are seeking leave for:
 - a. The birth of their newborn child and to care for the newborn child.
 - b. The placement and care of their newly adopted or foster child.
 6. Where both spouses work for Lake County, they may, at Lake County's discretion, be limited to a combined total of 26 weeks of FMLA leave if both spouses are requesting to take Military Caregiver/Exigency leave.
- D. Use of Paid Benefit Time While on FMLA
1. Time off under FMLA is unpaid unless the employee has benefit time available or is receiving worker's compensation or IMRF disability benefits. If an employee has benefit time available, the employee will be required to use their accrued sick leave, floating/holiday hours, and vacation leave time, in that order. This paid time off must be used concurrently with the employee's FMLA leave and must be exhausted before the unpaid portion of the employee's FMLA leave commences. However, if an employee qualifies for IMRF disability payments, the employee will not be required to use their paid benefit time once they satisfy IMRF's 30 day waiting period. If the employee stops receiving IMRF disability payments or worker's compensation payments while still on FMLA leave, the employee will then be required to resume use of available benefit leave time for the remainder of the leave, as specified above.
 2. An employee may elect to use compensatory time for FMLA leave but is not required to do so. Personal leave of absence time under Section III.G.6 may be used for FMLA leave at the employee's discretion. Employees on FMLA leave will not accrue benefit time while on unpaid status or while receiving IMRF disability payments, or worker's compensation payments.
- E. Applying for FMLA Leave (this section also applies to employees placed on designated FMLA leave by HR)

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1. If an employee needs to take time off for reasons the employee believes may qualify for FMLA leave, the employee must comply with LCHD/CHC usual and customary policies and procedures for reporting absences. If necessary, the third-party administrator may contact the employee to request additional information or documentation regarding the absence. Failure to comply with LCHD/CHC absence reporting policies and procedures or to provide documentation or information requested by a third-party administrator may result in delay or denial of requested time off, and/or disciplinary action.
 - a. Notice of Leave
 - i. An employee intending to take FMLA leave for the birth or placement of a child, or a planned medical treatment, must apply for leave at least 30 calendar days before the leave is to begin. If the employee provides less than 30 days' notice of the time off, the employee may be required to explain, in writing to the third-party administrator, why it was not practicable to provide 30 days' notice.
 - ii. If the need for FMLA leave was not foreseeable and the leave is to begin less than 30 calendar days from the date of leave application, the employee must give notice to their immediate supervisor and third-party administrator as soon as the employee learns of the need to take leave.
 - iii. Failure to give timely notice may delay the start of leave and may result in the denial of paid benefit time and/or disciplinary action.
 - iv. When scheduling leave time, the employee is expected to consult with their supervisor to work out a schedule that, to the extent possible, meets the employee's needs without unduly disrupting LCHD/CHC operations. The employee must follow the above procedure each day they are absent unless the absence for that day has been scheduled and approved in advance.
2. Medical Certification
 - a. The "Certification of Health Care Provider," must be completed by the employee's or family member's health care provider confirming the existence of a serious health condition and the anticipated duration of the leave. This form should be submitted directly to the third-party administrator within 15 days. Employees taking Military Caregiver/Exigency leave must provide written documentation confirming a covered military member's active duty or call to active duty in support of a contingency operation. Both the supervisor and HR will be notified of the status.
 - b. It is the employee's responsibility, at their own expense, to provide the third-party administrator with any information needed as contained in the medical certification form to determine whether the requested leave qualifies as FMLA leave. The FMLA requires the employee to respond to reasonable requests for information regarding the leave request, and the employee's failure to do so may result in delay or denial of the requested leave.
 - c. When the leave is foreseeable and 30-day notice has been provided, the medical certification is to be submitted to the third-party administrator before the leave begins. If it is not practicable for the health care provider to provide a completed, sufficient certification form within 15 days despite a

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diligent, good faith effort to do so, the third-party administrator must be contacted to explain the situation in writing. If the application and certification forms are mailed to the employee's address on file, they will be presumed to have been received by the employee within three (3) days of being mailed.

- d. If the certification form is incomplete (i.e., one or more items are left blank) or insufficient (i.e., responses are vague, illegible, ambiguous, or non-responsive), the third-party administrator will notify the employee of the deficiency. The employee will then have seven (7) calendar days to have the health care provider submit a complete, sufficient certification. If it is not practicable to provide a completed, sufficient certification form within seven (7) days despite their diligent, good faith effort to do so, the employee must contact the third-party administrator to explain the situation.
3. Authentication and Clarification
 - a. A third-party administrator may contact the health care provider to authenticate a completed certification form by providing the health care provider a copy of the form and requesting verification that the information contained on the form was written or authorized by the health care provider who signed the document.
 - b. Additionally, if the employee does not rectify any discrepancy as outlined above, the third-party administrator may request clarification of information on the certification form and may ask the employee to sign, or have the employee's family member sign, a release form authorizing the health care provider to communicate with the third-party administrator to clarify the certification. If the certification is unclear and the employee fails to provide a signed authorization or otherwise clarify the certification, the third-party administrator may deny the request for FMLA leave.
4. Second and Third Opinions
 - a. HR may require an employee to obtain a second certification, at the County's expense, from a health care provider designated by HR. If the second health care provider's certification differs from the employee's health care provider's certification, HR may require the employee to obtain certification from a third health care provider, also at the County's expense. The third health care provider will be designated or approved jointly by the employee and HR. The employee and HR are required to act in good faith to attempt to reach agreement on a third health care provider. The third opinion will be final and binding.
5. Recertification
 - a. If an employee takes leave due to their own or a family member's serious health condition, the employee's or family member's health care provider may be required to submit a complete and sufficient recertification as often as every 30 days in conjunction with an absence. If the health care provider's initial certification specifies that the minimum duration of the condition for which the employee is taking leave is longer than 30 days, the health care provider may be required to submit a recertification in conjunction with an absence when the minimum duration expires, or every six-months, whichever is less. The health care provider may also be

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required to provide a recertification if the employee requests an extension of leave, the circumstances described in the original certification have changed significantly, or LCHD/CHC receives information raising doubt as to the stated reason for the leave or the continuing validity of the previously provided certification. The third-party administrator will provide the employee with the required recertification form.

6. Intermittent Leave

- a. FMLA permits employees to take leave on an intermittent basis or on a reduced schedule basis when medically necessary due to the employee's own serious health condition, to care for a seriously ill family member, due to the serious health condition of a covered service member or because of a qualifying exigency.
- b. For an employee to be eligible for intermittent FMLA leave there must be a medical need (as distinguished from voluntary treatments and procedures) and it must be that such medical need can best be accommodated through an intermittent leave schedule. The treatment regimen and the information contained in the medical certification of serious health condition must meet the requirements for certification of the medical necessity of intermittent FMLA leave. For an on-going serious health condition, employees will be required to provide periodic recertification of the medical necessity of intermittent FMLA leave. Requests for intermittent FMLA leave must be approved by the third-party administrator.
- c. Unless medically incapacitated, employees are required to report their time to the third-party administrator within 48 hours. Patterns of failing to report time may result in time off work being unprotected and subject to discipline.
- d. Employees are responsible for keeping track of their available FMLA time. Absences without FMLA time will be considered unauthorized and subject to discipline.
- e. Employees needing intermittent leave have an obligation to make a reasonable effort to schedule such treatment so as not to disrupt LCHD/CHC operations. If the employee has foreseeable planned medical treatment the Director may temporarily assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. If the employee has accrued benefit time available, they will be required to use their sick leave, floating holiday hours, and vacation time, in that order, to cover their absences. Personal leave and compensatory time may be used at the employee's discretion. After accrued benefit time is exhausted, the remainder of FMLA leave will be unpaid.
- f. Intermittent leave will only reduce the amount of allotted FMLA time by the amount of time taken. See section III.C, "Length of FMLA", for further information on how the use of time will be calculated when the employee is on intermittent leave.
- g. Intermittent leave may not be taken to care for a newborn or newly adopted or foster care child.

7. Benefits Coverage During Leave

- a. To continue health coverage, employees must continue to make any

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contributions they made to the plan before taking leave. Failure by an employee to pay their share of the health insurance premium may result in loss of coverage.

- b. LCHD/CHC's obligation to maintain health benefits under FMLA stops when an employee informs LCHD/CHC that they do not intend to return to work at the end of the leave period, or if the employee fails to return to work at the end of their approved leave.
 - c. LCHD/CHC reserves the right to require the employee to reimburse LCHD/CHC for health insurance premiums LCHD/CHC paid during the employee's leave if LCHD/CHC finds evidence the employee misrepresented the need for leave or otherwise obtained the leave fraudulently. Employees on FMLA leave will not accrue benefit time or seniority once their accrued benefit time is exhausted or they start receiving disability payments from IMRF or the worker's compensation program. However, employees on FMLA leave will not lose any length of service benefits that accrued before the employee went on unpaid status.
8. Notice of Return from Leave
- a. Early Return from Leave
 - i. If an employee can return to work earlier than the date indicated on their FMLA application and medical certification, the employee must notify the third-party administrator, HR, and their immediate supervisor at least two (2) working days prior to the date they intend to report to work.
 - b. Confirmation of Scheduled Return to Work Date
 - i. Employees must notify the third-party administrator, HR, and their immediate supervisor at least seven (7) business days prior to their scheduled return to work date and confirm their return-to-work status. If this is not possible due to an unforeseen change in circumstances, the employee must notify the third-party administrator of the change as soon as practicable.
 - ii. If an employee's own medical condition prevents them from returning to work at the end of the FMLA leave, the employee must notify the third-party administrator at least seven (7) business days prior to their scheduled return to work date and request additional FMLA leave. If the employee is requesting additional FMLA leave, the employee will be required to submit a recertification from their health care provider. If the employee is not approved for additional FMLA leave and the employee fails to return to work on their originally scheduled return to work date, the employee may be discharged from employment.
 - iii. If an employee is unable to return from FMLA leave for a reason other than their own serious health condition, the employee must notify the third-party administrator and their immediate supervisor no later than seven (7) business days before their original return to work date and either request additional FMLA leave (if still eligible) or apply for a personal leave of absence (see section III.G, "Temporary Personal Leave"). If either request is denied or if no request is made, the employee is expected to return to work on their original return to work

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date, otherwise the employee may be discharged from employment.

9. Fitness for Duty Certification

- a. If an employee is returning from FMLA leave taken due to their own serious health condition, they must submit the following documentation to the third-party administrator at least two (2) working days prior to their return-to-work date:
 - i. A statement from their treating physician certifying they are fit to return to duty and can perform the essential functions of their job (or to the position restored to, if different) with or without a reasonable accommodation. The employee must submit the fitness for duty certification before they will be permitted to return to work.
 - ii. If the employee's treating physician has given work restrictions, a statement from the treating physician detailing the restrictions, the reason for the restrictions and whether the restrictions are permanent or temporary.
 - iii. If the employee is requesting a reasonable accommodation for an ADA qualifying disability, the employee should provide a statement detailing the accommodation requested and how the request will enable the employee to perform the essential functions of their position.

10. Reinstatement After FMLA

- a. Upon return from FMLA leave, an employee will either be restored to their position or to a position with equivalent pay, benefits, and other terms and conditions of employment so long as there is not a basis to deny reinstatement. Situations where an employee may be denied reinstatement include, but are not limited to:
 - i. The employee gave unequivocal notice they do not intend to return to work at the end of the leave period.
 - ii. The employee qualifies as a "key" employee under FMLA regulations (29 CFR 825.217) and is a salaried FMLA-eligible employee among the highest paid 10 percent of all LCHD/CHC employees and the restoration of their employment would cause substantial and grievous economic injury to LCHD/CHC operations.
 - iii. The employee's leave was obtained fraudulently or through misrepresentation.
 - iv. The employee was hired for a specific term or for a specific project/grant that has since been completed.
 - v. The employee was subject to a reduction in force.
 - vi. The employee is unable to perform the essential functions of their job with or without reasonable accommodation of a qualifying disability.
 - vii. The employee would not otherwise have been employed at the time of reinstatement if they had not been on FMLA leave.
 - viii. The employee failed to provide required notices or certifications while on leave and/or failed to provide a fitness for duty certification from their treating physician at the end of the leave.
- b. If an employee was on introductory status or a coaching plan at the time they went on FMLA leave, that introductory period or coaching plan will

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resume upon their return to work, at the same point it was at on the day the employee's leave began. If discipline was pending prior to their FMLA leave, the supervisor may proceed with that discipline upon the employee's return to work.

- c. LCHD/CHC cannot guarantee employees will be returned to their original position and reserves the right to place employees in equivalent positions. The determination as to whether a position qualifies as "equivalent" will be made by the HR Director or designee. Employees returning from FMLA leave may submit a written request for a different shift, schedule, or position but the decision to grant such a request will be within the discretion of the employee's Director.

F. Temporary Personal Leave

1. Continuous temporary personal leave may be granted for a maximum of three (3) months at the discretion of the employee's Director and HR Director or designee. Intermittent personal leave is not an option with temporary personal leave.
2. Personal leave may be requested for educational or family purposes or for a purpose approved by the employee's Director and the HR Director or designee. In determining whether to approve a request for leave (including the length of leave) consideration should be given to the employee's employment record, including the employee's attendance and disciplinary record, length of employment and performance history, as well as the staffing needs of the program.
3. Personal leave is unpaid unless the employee has accrued benefit time (vacation time, compensatory time, floating/holiday hours or, if applicable, sick time) that can be applied to the leave time. If such benefit time is available, the employee will be required to exhaust that time before going on unpaid status.
4. The employee must complete the Temporary Leave Request form and submit it to their supervisor for approval. If approved by the supervisor, the signed form must be submitted by the supervisor to HR for review.
5. An employee on personal leave does not accrue vacation time or sick time for the period of the unpaid leave of absence. Such employees may continue medical and dental group insurance coverage and life insurance coverage, but only where the employee pays the total cost of such participation while on unpaid leave of absence. Such employees continue IMRF participation according to rules and requirements established by IMRF.
6. If an employee is not eligible for FMLA leave but is a qualified individual with a disability, as defined by the ADA, and wishes to request a leave of absence as a reasonable accommodation, the employee may apply for a leave of absence by contacting the third-party administrator.
7. If an employee fails to return to work upon the expiration of their leave of absence, their employment may be terminated unless their immediate supervisor, the HR Director, and the Director have approved an extension of leave. If the employee is terminated from employment for failing to return to work on their originally scheduled return to work date, the termination may not be grieved under LCHD/CHC's Grievance Procedure.

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8. Upon return from a leave of absence, the employee may be returned to their original position, if available, or to an open position in the employee's department that the employee is qualified for and the best candidate to perform. If the employee's original position was filled while the employee was on leave and a comparable position in the same department that the employee is qualified for and the best candidate to perform is not available, the employee may be placed in a position that they are qualified for and the best candidate to perform with a lower grade level and lower rate of pay. If no such positions are available, the employee may be discharged from employment. In such cases, a reduction in pay and/or grade level nor a discharge from employment may be grieved under LCHD/CHC's Grievance Procedure.
- G. School Visits
 1. As of July 1, 1993, all Illinois employers of 50 or more must allow employees who have been employed at least six (6) months and have been employed at least half-time, up to eight hours leave to visit their child's school during the school year. An employee of Lake County may not take more than four (4) hours of school visitation leave in one day, and the leave may not be taken if the employee has not exhausted all accrued leave time with the exception of sick time or disability leave. The employee may use their accrued compensatory time for this absence. An employee of Lake County wishing to take leave to visit a child's school must make a written request to their immediate supervisor or designee at least seven (7) calendar days in advance.
- H. Victim's Economic Security and Safety Act (VESSA)
 1. VESSA is an Illinois law that provides an employee who is a victim of domestic violence or sexual assault, or who has a family or household member who is a victim of domestic violence or sexual assault, with up to 12 weeks of unpaid leave per 12-month period for the following reasons:
 - a. To seek medical attention for, or recovery from, physical or psychological injuries caused by domestic violence or sexual assault.
 - b. To obtain victim services.
 - c. To obtain psychological or other counseling.
 - d. To participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the victim from future domestic violence or sexual assault.
 - e. To seek legal assistance to ensure the health and safety of the victim, including participating in court proceedings related to the violence.
 2. All LCHD/CHC employees are eligible to apply for VESSA leave, including part-time and introductory employees. To demonstrate eligibility for VESSA leave, the employee must provide the third-party administrator with certification that:
 - a. The employee or the employee's family or household member is a victim of domestic violence or sexual assault.

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- b. The leave is for one of the purposes permitted under VESSA (see above). Such certification shall include a sworn statement from the employee and:
 - i. Documentation from a victim services organization, attorney, member of the clergy, or medical or other professional from whom the employee or the employee's family or household member has sought assistance; or
 - ii. A police or court record; or
 - iii. Other corroborating evidence.
- 3. The definition of "family or household member" means a spouse, parent, son, daughter, and persons jointly residing in the same household, including same-sex domestic partners. "Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son" or "daughter" means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older but incapable of self-care due to a mental or physical disability.
- 4. As provided under VESSA, employees may receive up to a total of 12 weeks of VESSA leave per 12-month rolling period. The 12-month "rolling" period is determined by counting backwards from the date the employee is placed on leave. In determining eligibility and the amount of VESSA leave an employee may be entitled to, LCHD/CHC will subtract any VESSA time the employee used during the preceding 12 months from the 12-week entitlement.
- 5. If the reason for the employee's VESSA leave also qualifies as a reason for FMLA leave and the employee is eligible for FMLA leave, the employee's VESSA leave will be designated as joint FMLA VESSA leave. In those situations, the employee will not receive 24 weeks of leave time but rather, the employee's VESSA and FMLA leave will run concurrently for up to a maximum of 12 weeks of leave per rolling 12-month period.
- 6. Applying for VESSA Leave
 - a. The employee must provide their Director and HR with at least 48 hours' notice prior to taking VESSA leave, except in such cases where it is not practicable to provide such notice.
 - b. To apply for VESSA leave, the employee must submit their sworn statement and certifying documents, as listed in Section I, paragraph 2.b.i, to the third-party administrator.
 - c. If the employee does not provide notice, the employee must provide the third-party administrator with their sworn statement and application for VESSA leave within five (5) calendar days after leave is requested or the employee is tentatively placed on VESSA leave. The remaining certifying documents must be provided to the third-party administrator within fifteen (15) calendar days after leave is requested or the employee is tentatively placed on VESSA leave, whichever occurs first.

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- d. An employee who is eligible or appears to be eligible for VESSA leave may be placed on VESSA leave by LCHD/CHC even if the employee has not applied for such leave.
- 7. Use of Paid Benefit Time During VESSA Leave
 - a. Time off under VESSA leave is unpaid unless the employee has benefit time available and is eligible to use that benefit time during their VESSA leave. If an employee has benefit time available, the employee will be required to use all accrued vacation time, floating/holiday hours, and compensatory time before going on unpaid leave. Employees may also use Personal Leave if they wish.
 - b. If the reason for the VESSA leave meets the eligibility requirements for sick leave, the employee will also be required to exhaust all their accrued sick leave before going on unpaid leave unless the employee qualifies for IMRF disability payments. If the employee qualifies for IMRF disability payments, the employee will not be required to use their paid benefit time once they satisfy IMRF's waiting period. If the employee stops receiving IMRF disability payments while the employee is still on VESSA FMLA leave, the employee will then be required to use any available paid benefit time for the remainder of the leave.
 - c. If the employee does not have benefit time available, the leave will be unpaid.
 - d. Employees on VESSA leave will not accrue benefit time during the time the employee is on unpaid status.
- 8. Intermittent VESSA Leave
 - a. Employees may take VESSA leave on an intermittent basis or on a reduced work schedule. Employees needing intermittent leave must attempt to schedule their leave so as not to disrupt LCHD/CHC operations. The employee's Director may temporarily assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent schedule. If the employee has accrued benefit time available and is eligible to use that time, they will be required to use that time to cover their absences. After accrued benefit time is exhausted, the remainder of the employee's intermittent VESSA leave will be unpaid.
- 9. Benefits Coverage During Leave
 - a. While on VESSA leave, employees on LCHD/CHC's health insurance plan will remain on that plan and under the same conditions in effect prior to the employee taking leave. To continue health insurance coverage, the employee must continue to make any contributions that they made to the plan prior to taking leave. Failure of the employee to pay their share of the health insurance premiums may result in loss of coverage.
 - b. LCHD/CHC's obligation to maintain health benefits under VESSA stops when an employee informs LCHD/CHC that they do not intend to return to work at the end of the leave period, or if the employee fails to return to work at the end of their approved leave.

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- c. LCHD/CHC reserves the right to require the employee to reimburse LCHD/CHC for health insurance premiums LCHD/CHC paid during the employee's leave if LCHD/CHC finds evidence the employee misrepresented the need for leave or otherwise obtained the leave fraudulently.
 - d. Employees on VESSA leave will not accrue benefit time. However, employees on VESSA leave will not lose any length of service benefits that accrued before the employee went on unpaid status.
 - e. Holiday pay will not be paid during VESSA leave, except in those instances where the employee is on an intermittent or reduced schedule that makes the employee eligible for holiday pay or where the employee is on a paid leave at the time of the holiday and qualifies for holiday pay.
10. Notice of Return from VESSA Leave
- a. An employee must complete a "Notice of Intention to Return from Leave" at the time the employee submits their application for VESSA leave. The application should state the date the employee is expected to return to work. Once on leave, the employee is expected to remain in regular contact with HR and their immediate supervisor and give periodic updates. If the employee has been on leave for more than two weeks, the employee is expected to notify HR and their immediate supervisor at least five (5) working days prior to their return-to-work date and confirm they will be returning to work on that date or request additional leave time. If the employee has been on leave for less than two weeks, the employee is expected to notify HR and their immediate supervisor at least two (2) working days prior to their return-to-work date. At that time, if the employee has concerns about the safety or security of their worksite, the employee should contact HR directly, to report those concerns.
 - b. An employee returning from VESSA leave that has also been designated as an FMLA leave must also comply with the return to work and notice requirements contained in LCHD/CHC's FMLA policy.
11. Reinstatement After VESSA
- a. Upon return from VESSA leave, an employee will either be restored to their position or to a position with equivalent pay, benefits, and other terms and conditions of employment so long as there is not a basis to deny reinstatement. Situations where an employee may be denied reinstatement include, but are not limited to:
 - i. The employee gave unequivocal notice they do not intend to return to work at the end of their leave.
 - ii. The employee's leave was obtained fraudulently or through misrepresentation.
 - iii. The employee was hired for a specific term or for a specific project/grant that has since been completed.
 - iv. The employee was subject to a reduction in force.
 - v. The employee is unable to perform the essential functions of their job, with or without reasonable accommodation of a qualifying disability.
 - vi. The employee would not otherwise have been employed at the time of

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- reinstatement if the employee had not been on VESSA leave.
- vii. The employee failed to provide required notices or certifications while on leave.
 - b. If an employee was on introductory status or a coaching plan at the time they went on VESSA leave, that introductory period or coaching plan will resume upon their return to work at the same point it was at on the day the employee's leave began. If progressive discipline was pending prior to the VESSA leave, the supervisor may proceed with that discipline upon the employee's return to work.
 - c. LCHD/CHC cannot guarantee employees will be returned to their original position and reserves the right to place employees in equivalent positions. The determination as to whether a position qualifies as "equivalent" will be made by the HR Director or their designee. Employees returning from VESSA leave may submit a written request for a different shift, schedule, or position but the decision to grant such a request will be within the discretion of the employee's Director.

IV. REFERENCES:

None

V. AUTHORS/REVIEWERS:

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee.

VI. APPROVALS:

Lake County Board of Health President

Signature: _____ Date: _____