



FRANK WHITE, JR.
Jackson County Executive

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JUN 17 2020
MARY JO SPINO
COUNTY CLERK
2:12pm

EXECUTIVE ORDER NO. 20-10

**To: Members of the Legislature
Clerk of the Legislature**

**From: Frank White, Jr
County Executive**

Date: June 17, 2020

RE: Amendment to the Personnel Rules: Paid Parental Leave

Pursuant to section 706.1, Jackson County Code, 1984, I hereby promulgate the following amendment to Rule 9 of the Jackson County Personnel Rules for Jackson County associates. The amendment shall be effective immediately, and shall apply to all associates who have experienced an eligible birth or adoption within the twelve months prior to its effective date.

Rule 9.21 is amended to read as follows:

Section 9.21 - Family and Medical Leave

- A. This Rule is promulgated pursuant to the requirements of Public Law 103-3, The Family and Medical Leave Act of 1993 and the official rules and regulations promulgated hereunder by the appropriate agency of the United States, (hereinafter referred to simply as "FMLA"). For the purposes of this rule, all provisions of the FMLA, codified as 29 U.S.C. § 2601 *et seq.* (2005), are hereby adopted and incorporated herein by reference as is fully set forth herein, as the official Personnel Rule of Jackson County. The material set forth hereafter is intended to be a summary and clarification of the application of the FMLA to all employees, whether merit or non-merit, of Jackson County, and the official text of said public law and the regulations promulgated hereunder shall govern to the extent of any conflict between said summary and the FMLA.
- B. The Appointing Authority shall grant an eligible employee leave in accordance with the FMLA, not to exceed 12 weeks during any 12 month period or up to 26 weeks of leave in any 12 month period in compliance with the expansion of FMLA under The Support for Injured Servicemembers Act of 2007. To be eligible for this leave,



an employee must have worked at least 12 months for the County and at least 1250 hours in the year immediately preceding the commencement of the leave.

Nothing herein shall prevent the County from discretionary denial or the placement of reasonable limitations or conditions upon privileges otherwise granted under the FMLA in accordance with the terms thereof.

- C. Eligibility. Eligible employees are entitled to a total of 12 weeks leave during any 12 month period for one or more of the following: 1) caring for a spouse, child, or parent with a serious health condition, or 2) the serious health condition of the employee, or 3) an employee's spouse, son, daughter or parent has been notified of an impending call or order to active military duty or who is already on active duty (herein "servicemember"). Employees shall provide their Appointing Authorities with a written statement from a physician certifying the condition for which the leave is required in cases of serious health condition. Eligible employees are entitled to a total of 26 weeks during any 12 month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank, or rating.
- D. Return to Work. When the employee reports for work following family medical leave for their own serious health condition he shall furnish a physician's statement indicating the ability to resume the duties of his regular position to the Appointing Authority who will provide a copy to Human Resources.
- E. Advance Notice. The employee is required to give the Appointing Authority thirty days notice of foreseeable leaves, as well as to make reasonable efforts in scheduling leaves to avoid disrupting the County's business operations, as more specifically set forth in 29 U.S.C. § 2612(e) (2005) of the Act.
- F. Recertification. For pregnancy, chronic or permanent/long term conditions under continuing supervision of a health care provider, the County may request recertification no more often than every thirty (30) days and only in connection with an absence by the employee once the duration of the initial certification has passed. If the employee requests an extension, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence a recertification can be required by the County.

A recertification requested by the County shall be at the employee's expense unless otherwise provided for by the County; and the employee must provide the requested recertification to the County within the time frame requested by the County, which will allow at least fifteen (15) days. Failure to submit the recertification within the allotted timeframe will result in an automatic denial of the employee requested extension or termination of FMLA benefits for an employer requested recertification.

- G. **Married Employees.** In the case where both spouses are employees of the County, their combined total leave in any 12-month period may be limited to 12 weeks to care for a sick parent or 26 weeks to care for a covered injured or ill servicemember. This limitation does not apply to leave taken by either spouse to care for the other who is seriously ill, to care for a child with a serious illness, or to take care of his or her own illness.
- H. **Intermittent Leave.** The employee is entitled to take leave on an intermittent or reduced schedule basis, only when an employee is requesting leave because of a serious health condition, either their own or that of a family member.
- I. **Benefits.** The payment and accrual of sick leave, vacation leave, and payment or accrual of other benefits shall be governed by the medical leave rule (Section 9.11 hereof), except as otherwise required by FMLA and that Jackson County will require that employees substitute accrued paid leave for unpaid FMLA leave in the following order: 1) Accrued sick leave balance will be substituted until such accrual is exhausted; 2) Accrued compensatory time balance will be substituted until such accrual is exhausted; 3) Accrued vacation balance will be substituted until such accrual is exhausted; and 4) All other accrued leave balance. Once all accrued time has been exhausted, employees will be placed on leave without pay status.
- J. **Medical Evaluation.** The Appointing Authority may request an additional medical evaluation at the County's expense for the purpose of granting a family medical leave request or allowing the employee to return to work at any time the medical condition is in question.
- K. **Parental Leave.** FMLA leave in connection with the birth or adoption of a child shall be governed by Rule 9.25 of these Rules

New Rule 9.25 is added, to read as follows:

Section 9.25- Paid Parental Leave.

- A. In order to allow parents time to bond and care for their new child, all regular and appointed employees who are eligible to take leave under the County's family and medical leave policy shall be granted paid parental leave due to birth of the employee's child or the placement within the employee's home of an adopted child in accordance with the following provisions:
1. An eligible employee will receive up to twelve weeks of leave with pay at 100 percent of the employee's base pay per birth or adoption event.
 2. An employee may take paid parental leave intermittently, provided the leave is taken in no less than one week increments and is approved by the employee's manager.
 3. If both parents are eligible employees, each will receive the leave available under subsections (1) and (2) of this section.
 4. Leave will be based on the employee's certified normal rate of pay, not including premiums or overtime.
 5. All paid parental leave will run concurrently with family and medical leave under the County's family and medical leave policy and must be started within 12 weeks following the birth or adoption of a child, unless approved by the Appointing Authority. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, floating holiday, and holiday.

6. An eligible employee must submit a completed employee request for family and medical leave form, requesting FML leave to the human resources office at least 30 days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit a completed employee request for family and medical leave form to the human resources benefits office as soon as possible.
7. Multiple births or adoptions do not increase the length of leave granted for the birth or adoption event.
8. An eligible employee will be required to furnish an employee request for FMLA form for the birth of child. If applicable, the medical certification requirements for FML leave will govern. The medical documentation must be completed and signed by the individual's health care provider.
9. An eligible employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoption.
10. Surrogate mothers and sperm donors are excluded from coverage under this policy, as are parents who elect to place their newborn child/children up for adoption.
11. In the unfortunate event that the new child dies during the time of paid parental leave, the leave shall be cancelled, and employee shall be allowed to take bereavement leave and may apply for/request the use of FMLA leave.
12. A fraudulent request for paid parental leave shall be grounds for serious disciplinary action, up to and including termination of employment.

13. An employee must return to work for a minimum of 6 months after taking paid parental leave, or will be required to repay the County for the leave.
14. To be eligible for this leave, an employee must meet the time in County service requirements set out in Rule 9.21.B of these rules

A handwritten signature in blue ink, appearing to read 'FW Jr.', is written over a horizontal line.

Frank White, Jr., County Executive

Dated: 6/17/2020