



COUNTY OF CARROLL
OFFICE OF THE COMMISSIONERS
Administration Building
95 Water Village Road Box #1
Ossipee, New Hampshire 03864



Policy Title:	Family Medical Leave Act (FMLA)
Effective Date:	April 1, 2022
Revision Date:	
Reference(s):	

The County of Carroll complies with the Federal Family and Medical Leave Act (FMLA) of 1993 and all applicable State laws related to family and medical leave. In cases where the law grants employees more leave than County leave policies provide, the County will grant employees the leave required by law.

FMLA Leave Eligibility

The FMLA provides up to twelve (12) weeks of unpaid leave every twelve (12) months to eligible employees for certain family and medical reasons. To be eligible, employees must have worked for the County for twelve (12) months, and for one thousand two hundred fifty (1250) hours over the previous twelve (12) months. (See the FMLA regarding exemptions for certain highly compensated employees). Intermittent leave will be permitted for eligible employees where necessary.

Reasons for Taking Leave

Eligible employees are entitled to FMLA leave for any of the following reasons:

- a. To care for a newborn, an adopted child or a foster child within a year of the child's arrival,
- b. To care for a spouse, child, or parent who has a serious health condition, or
- c. For a serious health condition that makes the employee unable to perform the functions of his/her job.
- d. Because of any qualifying exigency (as the Department of Labor Regulations shall define that term) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces.

Covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. Covered active duty for members of the reserve component of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a) (13) (B) of title 10, United States Code.

Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member.

The leave described in this paragraph shall only be available during a single 12-month period. During this 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave (including any time taken because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation).

Covered Service member includes a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. For

purposes of this type of leave, “serious injury or illness” includes not only a serious injury or illness that was incurred by the member in the line of duty on active duty but also a serious injury or illness that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating.

For a veteran, a “serious injury or illness” is defined as a qualifying injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

Leave Notice

Where the need for FMLA leave is foreseeable, the employee must provide notice of the need for leave to the Human Resources Department not less than thirty (30) days before the leave is scheduled to begin. If the need for FMLA is not foreseeable (for example where a birth or placement of a child or a need for medical treatment requires leave to begin in less than thirty (30) days), employees must provide notice as soon as practicable.

If an employee’s need for leave is foreseeable based on planned medical treatment, employees should make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the County, subject to the approval of his/her health care provider.

Certification

The County requires that employees provide a medical certification of his/her need for leave because of a serious health condition (whether his/her own or that of his/her child, spouse, parent’s, or next of kin’s in the case of Service Member Family Leave) whenever the leave is expected to extend beyond five (5) consecutive working days or will involve intermittent or part time leave.

The County requires that employees provide a medical certification of his/her ability to resume work after a FMLA leave for his/her own serious health condition that extends beyond ten (10) consecutive working days.

The County may require that a request for leave due to military service be supported by appropriate certification if the regulations prescribe such certification.

Substitution of Paid Leave for FMLA Leave

In the case of leave for the birth, foster placement, or adoption of a child, the serious health condition of a spouse, child or parent, or because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, an eligible employee must substitute any accrued earned time, vacation leave and/or personal leave for any part of the unpaid leave provided for under the FMLA.

In the case of the employee’s own serious health condition, an eligible employee must substitute any earned time, accrued vacation leave, personal leave, and/or sick leave for any part of the unpaid leave provided for under the FMLA.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. The employee’s family/medical leave will run concurrently with other types of leave. Employees will not accrue earned time, vacation or holiday benefits while on unpaid leave.

Periodic Reporting

If an employee takes leave for more than two (2) weeks, the County requires that the employee reports to his/her Department Head at least every two weeks on their status and intent to return to work.


Measurement of 12 Month Period During Which FMLA Leave May be Taken

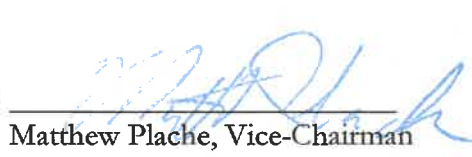
For purposes of this policy the “twelve-month period” described in the FMLA will be measured forward from the date the employee’s first FMLA leave begins.

Accordingly, employees are entitled to twelve weeks of leave during the year beginning on the first day of FMLA leave. The next 12-month period would begin on the first day on which the employee takes FMLA leave after the completion of any previous 12-month period.

Further information about the FMLA is available by contacting the Carroll County Human Resources Department or the United States Department of Labor.

This policy was adopted by vote of the Carroll County Commissioners on March 3, 2022.


Terry McCarthy, Chairman


Matthew Plache, Vice-Chairman


Kimberly Tessari, Clerk