

DOUGLAS COUNTY GOVERNMENT  
POLICY FORM

SUBJECT EMPLOYEE LEAVE	POLICY NO. HR.10.16
TITLE MEDICAL LEAVE STATUS	APPROVAL DATE July 1, 2003
	REVISION DATE 7/2006, 10/2016, 9/2022

PURPOSE: To establish guidelines and procedures should an employee be unable to return to work after expiration of the 12-week Family Medical Leave period.

DEPARTMENT RESPONSIBLE: Human Resources

DEPARTMENT (S) AFFECTED: All Departments

POLICY: Douglas County recognizes that employees with a serious medical condition may be unable to return to work after the expiration of a 12-week Family Medical Leave. This policy outlines when, and under what conditions, an employee qualifies for Medical Leave Status for a period not to exceed one year from the original date of a Qualifying Medical Condition (“medical condition”).

A. Guidelines:

- Employees who have a non-work-related medical condition and are unable to return to work after the expiration of the 12-weeks of Family Medical Leave (FMLA) may be moved to Medical Leave Status for a maximum of one year from the original date of the medical condition given all medical condition certification requirements are satisfied. While on Medical Leave Status, the employee’s position may be filled at the discretion of the Department Director/Elected Official based on the business needs of the department.
- During a medical leave, the County will continue to pay the premiums for medical, dental and vision insurance coverage (in that order) as elected by the employee, for themselves and their enrolled dependents, up to the maximum monthly County Contribution. The employee is responsible for any difference in premiums. The County will also pay any required premiums for Basic Life, Basic AD&D and LTD coverage, while all other remaining insurance premiums and/or voluntary insurance premiums must be paid by the employee during the medical leave period.

B. General Exclusions:

- The following situations may not qualify for Medical Leave Status: (1) personal leave of absence, (2) family care leave of absence, (3) any condition not considered a Qualified Medical Condition under the County's LTD plan, (4) any condition covered under the County's Workers' Compensation policies, (5) an employee's performance which is below proficient. This Policy is also not intended to address disabilities of which fall under the Americans with Disabilities Act (ADA) or its amendments.

C. Medical Leave Certification Requirements:

- To qualify for non work-related Medical Leave, the employee must apply and be approved for LTD benefits under the County LTD plan.

D. Long Term Disability Application:

- Employees will receive notification from Human Resources regarding the appropriate timeframe and the process for applying for Long Term Disability (LTD) benefits, if applicable to their situation.

E. Return to Work:

- If, within one year from the original date of their medical condition, an employee is medically able to return to work and is able to perform the essential functions of the position with or without accommodations, the County will work with the employee towards their return.
  - If an employee's previous position is still vacant, they may be immediately reinstated.
  - If an employee's previous position has been filled during the employee's absence and there is a vacant position in the same department and same job title, the employee may be reinstated into the vacant position.
  - If no position is available, as listed above, an employee may apply for other available positions that are open within the County and for which they are qualified.
- In any case above, Sheriff's Office employees and/or employees in safety sensitive positions may have to meet return to work certification requirements prior to reinstatement.
- If the employee's previous position has been filled and there are no other vacancies for which the employee is qualified, the County may separate employment and the employee may be eligible for rehire.

F. Pay While on Medical Leave Status:

- Employees on a non-work-related medical leave who have accrued and unused sick, vacation, or compensatory time, must exhaust these paid time off benefits during the Medical Leave Status period.
  - When paid time off benefits (sick, vacation, compensatory time) are exhausted, an employee will be unpaid by the County.
- Long Term Disability benefits, if applicable and if approved by the insurance carrier, are paid by the insurance carrier and may be reduced by sick, vacation, or compensatory time paid during the Medical Leave Status period.

G. Benefits While on Medical Leave Status:

- While receiving payment through the County's payroll system, benefits will continue as if the employee is on active status.
- When an employee will no longer be paid through the County's payroll system, benefits will continue with premium payments being required by the employee.
- While on approved medical leave, employees are still entitled to receive the County Contribution.

H. Expiration of Medical Leave Status:

- Medical Leave Status will end on a date one year from the original date of the employee's medical condition. An employee would then be expected to resume working their full schedule, without accommodations, except as defined by the Americans with Disabilities Act (ADA) and its amendments.
- If an employee requires accommodations as defined by the Americans with Disabilities Act (ADA) and its amendments, they should speak to Human Resources specific to that process, which is not regulated by this policy.
- If an employee is unable to resume working or unable to resume working their full schedule, without accommodations (excluding ADA accommodations as noted above), the County may separate employment and the employee may be eligible for rehire.