

# JORDAN VALLEY EMS AUTHORITY POLICY

**POLICY #:** 106.2.1.3

**SUBJECT:** LEAVE OF ABSENCE

**CAAS STANDARD:** 106.2.1

**SCOPE:** ALL EMPLOYEES AND VOLUNTEERS

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## **PURPOSE:**

The purpose of this policy is to define the circumstances and procedures for employees taking a leave of absence

## **POLICY:**

Employees will follow the procedure below to request a leave of absence. With the exception of an FMLA leave, the Authority reserves the right to deny any leave based on operational needs or to insist an employee comes back from a leave early due to operational needs, natural or manmade disaster or local declared state of emergency. The Authority assumes that a leave is not being requested to seek gainful employment elsewhere. If it is found that an employee is on an FMLA leave, educational leave or personal leave and is found to be working elsewhere, the employee will be terminated.

## **PROCEDURE:**

### **I. LEAVE TYPES**

- a. FMLA
- b. Military
- c. Disaster deployment leave
- d. Educational
- e. Personal

### **II. FMLA LEAVE**

- a. FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.
- b. FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.
- c. The Authority will provide an eligible employee with up to 12 weeks of unpaid leave each year for any of the following reasons:
  - i. for the birth and care of the newborn child of an employee;
  - ii. for placement with the employee of a child for adoption or foster care;
  - iii. to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
  - iv. to take medical leave when the employee is unable to work because of a serious health condition.
- d. *"A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment."* This definition is quoted directly from the US Department of Labor Wage and Hour Division FMLA Poster
- e. Employees are eligible for leave if they have worked for the Authority for at least 12 months and at least 1,250 hours over the past 12 months.
- f. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying

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exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- g. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
- h. Whether an employee has worked the minimum 1,250 hours of service is determined according to FLSA principles for determining compensable hours or work. Time taken off work due to pregnancy complications can be counted against the 12 weeks of family and medical leave.
- i. Employees wishing to take FMLA leave time must submit the request in writing including the date the leave is to start and the date they intend to return to work no more than 12 weeks from the date leaving work. This notice should be greater than 30 days.
- j. The employee shall use Paid Time Off (PTO time) as part of this twelve week leave. PTO includes unused vacation, personal days, and sick time.
- k. The Authority will maintain the employee's healthcare coverage as if the employee was still working.
- l. If the employee is eligible for PTO, PTO time will be frozen at the level prior to the employee's leave and will be restored at that level upon the employee's return unless the employee has used said PTO time as part of their leave.
- m. Upon return to work from an FMLA leave, the employee will be restored to the same position or to an equivalent position, with equivalent pay, benefits and other employment terms and conditions.
- n. The employee will maintain updated contact information with the Authority while on leave.

### III. MILITARY LEAVE

- a. Employees may be granted a leave of absence to engage in military services if called up to active duty from reserve or National Guard status.
- b. This leave is not for employees enlisting into full time regular military service for the first time.
- c. The Authority will allow employees who are reservists or members of a National Guard unit to take time off for normal weekend or other training two weeks or shorter without having to evoke a leave of absence or use accrued PTO time.
- d. If an employee is called to active duty they will be allowed to take up to a two year leave of absence and will be provided a position of similar rank, pay and schedule as they had previously held. All PTO and seniority rights will be frozen.
- e. The employee must provide notice in writing as soon as they are notified that they are to be deployed. This notice must include the last date they are to work and their expected length of deployment.
- f. The employee will maintain updated contact information with the Authority while on leave. (Understanding in this type of leave situation that may be challenging)

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## **IV. DISASTER DEPLOYMENT LEAVE**

- a. The Authority recognizes that in time of National crisis some employees may be called to active duty for special response teams they may belong to or as volunteers for various agencies. The Authority recognizes these employees have special talents that may be needed in these situations and therefore will grant up to a 4-week leave of absence for the following deployments:
  - i. FEMA DMAT
  - ii. FEMA CERT
  - iii. Regional or local HAZ MAT response teams
  - iv. Regional or local technical rescue teams
  - v. Michigan Volunteer Registry
  - vi. Regional Incident Management Teams
  - vii. Red Cross relief teams
- b. Employees must understand that the Authority has needs here locally and they may be denied permission for a leave if more than two employees have already made such requests. Priority will be given to FEMA DMAT team members
- c. If an employee is part of such response teams they should advise management prior to a situation occurring so management can plan contingencies. This is especially true for members of FEMA DMAT teams during hurricane season.
- d. The employee will be granted up to 4 weeks of leave time for deployments of this type.
- e. Said leave time will be unpaid and the employee will be required to use any available PTO time.
- f. The employee will not accrual PTO time while they are on leave
- g. The employee will be provided with their position upon their return but cannot be guaranteed their same work schedule
- h. This leave may not be granted if the employee is responding to a disaster a part of a response team deployed from another private EMS agency they may be employed with.
- i. The employee will maintain updated contact information with the Authority while on leave. (Understanding in this type of leave situation that may be challenging)
- j. The employee will be required to return to work for 1 year before they are eligible for another educational leave or personal leave.
- k. The employee will maintain updated contact information with the Authority while on leave.

### **POLICY HISTORY:**

Implemented February 1, 2015

Reviewed