



Policy Title		
Extended Leave		
Policy Number	Policy Date	Revision Date
HR03 -08	07/01/2014	06/01/2024

Policy Owner: Employee Services Center

### Purpose and Scope

Mecklenburg County offers Extended Leave to employees who need to take time off to bond with a new child entering their life by birth, adoption, or foster care placement or for the employee's own serious health condition or serious health condition of a family member.

### Definitions

**Family Member:** Employees may request leave for eligible family members. Eligible family members include spouse, child, or parent.

**Serious Health Condition/Illness:** An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a healthcare provider which would likely result in a period of incapacity of more than three (3) calendar days.

**Son or Daughter:** A biological, adopted, foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under the age of 18 or 18 or older who is incapable of self-care because of a mental or physical disability.

**Leave of Absence Third Party Administrator (TPA)-** Designated vendor contracted by Mecklenburg County to perform administrative functions of all leave items related to Family and Medical Leave Act (FMLA), Paid Family Leave (PFL), Extended Medical Leave (EML), Extended Family Leave (EFL), and Military Leave.

### Policy

Extended leave is available subject to the approval of the employee's department director. Extended Leave is Leave Without Pay (LWOP) unless accrued or donated benefit hours are used. When Extended Leave is granted during an employee's provisional period the employee's provisional period will be extended for the amount of time the employee is out of work. Employees may take up to but never more than a combined leave totaling ~~52~~<sup>24</sup> consecutive weeks, including up to 12 weeks of FMLA Leave with or without pay.

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#### I. Extended Leave Eligibility:

- a. The employee has completed 90 days of employment with the County.
- b. The employee has completed the provisional period but does not have sufficient service time to be eligible for Family-Medical Leave.
- c. The employee is unable to return to work after 12 weeks on Family Medical Leave due to their own or their child's, spouse's or parent's serious health condition; or
- d. The employee began a leave of absence in FMLA Leave or Extended Leave-Medical for the birth, adoption, or placement of a foster child and requests to continue leave past the initial 12 weeks for a period up to ~~six (6)~~ <sup>three (3)</sup> months to bond with a new child. Employees may request an additional 6 months of leave for bonding pending Director approval.
- e. The employee's department director has approved the leave.

#### II. Return to Work:

When the employee returns to work from an illness, he/she must present a physician's statement that they are able to return to work to the Leave of Absence Third-Party Administrator (TPA) at least 10 business days prior to returning to work. Failure to provide the return-to-work note in a

timely manner may result in a delay of returning the employee to work. Any restrictions placed on the employee must be included in the statement. If the County is able to reasonably accommodate the employee's restrictions, the employee may return to work in their original position. If the County is unable to accommodate the employee's restrictions, they will not be able to return to work in their original position.

If an employee does not return to work within 52 24 consecutive weeks of Extended Leave, they may be dismissed from employment. If dismissed, the employee will be paid for any accrued benefits.

Revised: June 1, 2024

### III. Position Replacement:

When an employee is placed in Extended Leave, the employee's position may be filled if approved by the Human Resources Director. If the employee's position has been filled when the employee is released to return to work, the employee will be reinstated to an equivalent position, if available, within the department provided that the employee meets the minimum qualifications of the position and returns to work within 52 24 consecutive weeks of combined leave.

Prior to requesting approval to fill an employee's position, the department must consider all other alternatives including reassignment of duties within the department, employing staff from a temporary agency, creating a temporary position, and/or temporarily promoting a qualified employee. Approval will be granted only when leaving the position vacant will cause an undue hardship on the department and when other staffing alternatives are not feasible.

If appropriate documentation is received from the department to justify filling the position, Human Resources will contact the employee regarding the status of their availability for work. If the employee is able to return to work within a reasonable length of time, the position will not be filled.

If the employee is able to return to work within the 52 24-week limit and their position has been filled, they will be entitled to an offer of a position with the same classification or an equivalent position for which they meet the minimum qualifications within the department. The employee will return to this position at the same pay unless there has been a market adjustment. If the employee declines this offer, the employee shall be terminated. If no position is available at the equivalent classification of the employee's original position, the department must offer the employee a position in a lower classification for which the employee qualifies, if available. Salary may not exceed the maximum for the position. An offer of a position at a lower classification may be declined by the employee without forfeiting the one-time entitlement for reinstatement to an equivalent position.

If no position is available in the employee's department, they may pursue employment in another department by contacting the Human Resources Department. The employee will be guaranteed an interview for any position at the same or lower classification for which they meet minimum qualifications.

If the employee returns to a position in a lower classification in another department, they will be entitled to a one time offer of a position equivalent to the employee's former position in their original department for which they meet minimum qualifications. No time limit applies to this entitlement if the employee returns to work within the 52 24-week limit.

### IV. Prohibition on Secondary Employment

Employees unable to report to work to care for a family member under a leave of absence cannot work secondary employment during their normal scheduled hours with the County. Violation of this policy may result in corrective action, up to and including dismissal.

Revised: July 1, 2014; July 1, 2015; January 1, 2016; January 21, 2019

## Procedure

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## **I. Employee's Responsibilities**

For foreseeable leave, the employee must submit the request to the Leave of Absence Third-Party Administrator (TPA) at least 30 days prior to beginning leave. In more urgent situations, the request should be submitted as soon as the employee is aware that he or she needs Extended - Leave.

The dates of the entire leave must be supported by updated medical documentation as necessary.

The employee must provide complete and sufficient medical documentation in support of a request for Extended Leave-Medical. Failure to provide such documentation by the due date given may result in the denial or delay of the Extended Leave-Medical.

If Extended Leave is denied or delayed, the employee must follow the County's Sick Leave Policy for all absences. The County may seek a second opinion of medical documentation and may also request reasonable updates of supporting documentation. The employee may also be required to provide documentation of the familial relationship to support leave.

The employee will be responsible for reimbursing the County for any paid premiums that occurred during the approved leave.

### **a. Required Documentation Extended Leave - Family**

If leave is approved by the TPA, all required documentation, including the Declaration of Relationship form must be submitted to the TPA.

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## **II. Use of Sick Leave, Vacation and Accrued Holiday Time**

Extended Leave does not provide paid leave. All sick leave, vacation, and accrued holiday time must be used concurrently with the Extended Leave until all such leave is exhausted.

Employees receiving workers' compensation or short-term disability payments during Extended Medical Leave cannot be forced to use, nor elect to use, any form of accrued paid leave for any part of the absence covered by such payments.

Once the employee exhausts accrued benefit hours, they will be placed in a LWOP status. Vacation, sick leave and holiday accruals cease when an employee is in a LWOP status. Sick leave, vacation and holiday accruals are held intact with no additional accrual when an employee is in a LWOP status. Employees returning from a LWOP status will have their retirement system date and benefit accrual date adjusted equal to the amount of time they were actually off the payroll. Employees using benefit time will continue to receive normal leave accrual and their service dates and annual review date will not be adjusted.

## **III. Medical, Dental and Life Insurance Premiums**

Employees in Extended Leave-Medical status who have over five years of service in the NCLGERS or are receiving workers' compensation benefits, the County will continue to pay the County's portion of the individual medical and dental insurance when the employee is in a LWOP status. The employee is responsible for paying his or her portion of the individual medical and dental insurance.

If an employee in Extended Leave-Medical status has less than five years of service, he/she is responsible for paying the total premium (employee and County portion) for individual medical and dental insurance while on Extended Leave-Medical when the employee is in a LWOP status. An employee on Extended Leave-Family is responsible for paying the total premium (employee and County portion) for medical and dental insurance when the employee is in a LWOP status. Employees out of work on Extended-Family Leave will be responsible for both Employer and Employee premiums regardless of years of service in the NCLGERS.

The County will bill the employee for the amount of insurance premiums the employees is responsible for paying. If an employee fails to pay the billed premiums, the County will terminate

the employee's insurance coverage until the employee pays all premiums in arrears or returns to work.

If an employee does not return to work following Extended Leave, the employee will be expected to reimburse the County for insurance premiums paid during the time the employee was in a leave without pay status.

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#### **IV. Use**

Employees are to use Extended Leave only for the reason(s) approved by Mecklenburg County. Use of Extended Leave for any other purpose violates Mecklenburg County policy and may result in corrective action, up to and including termination.

#### **References**

FMLA

Paid Family Leave

ADA

Benefit Eligibility