

ADDENDUM # 4
TO THE VIGO COUNTY
EMPLOYEE AND MANAGEMENT
HANDBOOK DATED OCTOBER 2007

On September 09, 2008 the Vigo County Commissioners made the following addendum to the Vigo County Employee and Management Handbook Dated October 2007:

In Section IV - Subsection 4.4, titled Employee Benefits – Family Medical Leave, On January 28, 2008, the Family Medical Leave Act was amended adding two new entitlements for employees. Therefore, the following amendment will be adapted to the Vigo County Employee and Management Handbook.

4.4 A **Servicemember Family and Medical Leave**. Effective January 28, 2008, the federal Family and Medical Leave Act (FMLA) entitles eligible employees to take leave for a covered family member's service in the Armed Forces. This policy supplements Vigo County's Family and Medical Leave policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Servicemember Family and Medical Leave are governed by the County's existing Family Medical Leave policy.

Leave Entitlement

Servicemember FML provides eligible employees paid and/or unpaid leave for any one, or for a combination, of the following reasons:

1. A "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
2. To care for a covered family member, when the employee is the spouse, son, daughter, parent, or next of kin of a covered servicemember who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering servicemember. An employee is also eligible for this type of leave when the family servicemember is receiving medical treatment, recuperation, therapy, or if the servicemember is on the temporary disability retired list.

Duration of Servicemember FML

- A. **When leave is due to a "qualifying exigency"**: An eligible employee may take up to 12 workweeks of leave during any 12-month period. This type of leave will be counted toward the employee's 12-week maximum of FML in a 12-month period.

Employees requesting this type of FML must provide proof of the qualifying family member's call-up or active military service before leave is granted.

- B. **When leave is to care for an injured or ill servicemember:** An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the servicemember. Leave to care for an injured or ill servicemember, when combined with other FM-qualifying leave, may not exceed 26 weeks in a single 12-month period.

Employees requesting this type of FML must provide certification of the family member or next-of-kin's injury, recovery, or need for care. This certification is not tied to a serious health condition as for other types of FML. This is the only type of FML that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FML are included with this type of leave totaling the 26 weeks.

An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill servicemember) under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under FML policy.

A husband and wife who both work for the County may take leave due to a "qualifying exigency" and to care for an injured or ill servicemember, but may only take a combined total of 26 weeks of leave. A husband and wife may take leave only for a "qualifying exigency", but may only take a combined total of 12 weeks of leave.

Servicemember FML runs concurrent with other leave entitlements provided under federal, state, and local law, such as Military Family Leave.

Compensation for Leave

- A. **When leave is due to a "qualifying exigency":** All accrued personal or vacation time must be exhausted prior to beginning the unpaid portion of the leave.
- B. **When leave is to care for an injured or ill servicemember:** All accrued personal or vacation time must be exhausted prior to beginning the unpaid portion of the leave.

Documentation

- A. **When leave is due to a "qualifying exigency":** Employees requesting this type of servicemember FML must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.
- B. **When leave is to care for an injured or ill servicemember:** Employees requesting this type of servicemember FML must provide documentation of the family member's or next-of-kin's injury, recovery, or need for care.

This documentation may be a copy of the military medical information, orders for

treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties. Employees will also need to complete the DOL WH-380 form, located in the Human Resources Department.

Requesting Servicemember FML

All employees requesting Servicemember FML must provide verbal notice with an explanation of the reason(s) for the needed leave to their elected official and/or department head, and a written request to the Human Resources department including a copy of the appropriate documentation covered in the above section titled Documentation.