

## PAID FAMILY AND MEDICAL LEAVE POLICY

It is the policy of Routt County to grant up to twelve (12) weeks of paid family and medical leave during the twelve month measuring period (as further defined below) to eligible employees (PFML). PFML provides the paid leave at 90% of the employee's pay (as further defined below).

### Eligibility

Employees are eligible for PFML if they meet the following eligibility requirements:

- Have been employed with Routt County for at least four (4) months; and
- Are a Full-Time or Part-Time Employee (temporary and seasonal employees are not eligible for this benefit).

Additional information on eligibility:

- If both spouses are employed by the County and are eligible for PFML benefits, they will each be separately eligible for the full twelve (12) weeks;
- If required, employees may take PFML intermittently, which means taking leave in separate blocks of time, or on a reduced schedule basis by reducing the employee's normal weekly or daily work schedule;
- All hours must be tracked in ESS and coded as PFML.

### Types of Leave Covered

In order to qualify as PFML leave, the employee must be taking the leave for one of the reasons listed below:

- The serious health condition of the employee which makes the employee unable to perform the functions of the employee's position;
- Care for a Family Member of the employee with a serious health condition;
- Bond with the employee's child under the age of 18 during the first 3 months following the child's birth, adoption or foster care placement ("Parental Leave");
- Attend to a Qualifying Exigency, as defined under C.R.S. § 8-13.3-503.
- Has a need for Safe Leave as defined under C.R.S. § 8-13.3-503.

An employee is not entitled to PFML benefits for:

- Absences caused by the employee's willful intent to bring about injury to or sickness to the employee or another;
- Absences resulting from an injury or sickness sustained in the employee's perpetration of an illegal act;
- Any family or medical leave beginning before the employee is eligible for such benefits;
- A period during which the employee is on suspension from employment;
- Any period of time during which the employee is receiving workers compensation benefits; or
- Any period of time during which the employee works for pay or profit.

### Waiting Period

When taking PFML for reasons other than Parental Leave, Safe Leave, or a Qualifying Exigency, payment of wage replacement benefits is subject to a waiting period of 14 calendar days. Employees may use accrued Sick Leave, Vacation Leave, Compensatory Time, or Personal Leave during the waiting period.

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### Definition of Family Member

For the purpose of PFML, Family Member means:

1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor;
2. A biological, adoptive or foster parent, stepparent or legal guardian of an employee or an employee's spouse or domestic partner or person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
3. A person to whom the covered individual is legally married under the laws of any state, or a domestic partner of an employee as defined in C.R.S. § 24-50-603(6.5);
4. A grandparent, grandchild or sibling (whether a biological, foster, adoptive or step relationship) of the employee or employee's spouse or domestic partner; or
5. As shown by the employee, any other individual with whom the employee has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

### Requesting Leave

- The employee must provide their supervisor 30 days' notice of the requested leave (or as much notice as practicable if the leave is not foreseeable) and submit the required leave request forms to the Human Resources department for approval.
- If the employee is unable to provide notice personally, written notice may be given by another responsible party.
- Failure to provide timely notice may result in the denial of PFML. If the dates of a scheduled PFML change or are extended, it is up to the employee to update their supervisor and Human Resources as soon as possible to ensure continuation and approval of the leave.
- Employees must make a reasonable effort to schedule treatment in a manner that does not unduly disrupt the Company's operations, subject to the approval of the employee or Family Member's health care provider.
- All requests are subject to certification in the same manner as under the Family and Medical Leave Act (FMLA) and the County's FMLA policy.
- Whenever an employee who may be qualified for PFML is absent from work for a period of more than seven consecutive days, the County will provide the employee with a written statement of the employee's rights. The notice will be provided to the employee within five business days after the employee's seventh consecutive day of absence or after the County has received notice that the employee's absence is for PFML eligible reasons, whichever is later.

### Conditions for Taking Paid Family and Medical Leave

- Leave will be paid at 90% of the employee's hourly rate, or hourly rate equivalent if an exempt employee. The PFML hourly rate shall not include overtime, on-call time, or other similar compensation. The hourly rate shall be determined on the first day that PFML leave is taken. An employee normally scheduled to work less than forty hours per week shall be allowed PFML hours

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calculated on a pro-rata basis. The hourly rate will be adjusted for any step increase the employee is eligible for during the time PFML leave is taken. The employee may not use accrued time to make up for the additional 10% of wages. Either the employee is using Sick Leave (or other accrued leave) or is using PFML on any given day and cannot use both in the same day.

- Measuring Period. An eligible employee can take up to twelve weeks of leave under this policy during the applicable twelve month measuring period. The measuring period shall be the twelve month period ending with the day for which leave is requested or taken also known as a rolling twelve month period.
- When applicable, PFML will run concurrently with FMLA and the Colorado Family Care Act.
- PFML is in addition to any Sick Leave.
- After the PFML is exhausted, the balance of FMLA leave, if applicable, will be compensated through the employees' accrued Vacation Leave, Sick Leave, Compensatory Time, and Personal Leave. Upon exhaustion of accrued leave, any remaining leave will be unpaid. Please refer to the Family and Medical Leave Policy for further guidance on the FMLA.

### Conditions Specific to PFML taken for Parental Leave

Employees must take paid Parental Leave in one continuous period of leave and must use all paid Parental Leave during the 12-week time frame following the birth, adoption, or placement unless given written permission by the County Manager to take it intermittently.

Eligible employees will receive a maximum of 12 weeks of paid Parental Leave per birth, adoption, or placement of a child/children. The fact that a multiple birth, adoption, or placement occurs (e.g., the birth of twins or adoption of siblings) does not increase the 12-week total amount of paid Parental Leave granted for that event. In addition, in no case will an employee receive more than 12 weeks of paid Parental Leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or foster care placement event occurs within that 12-month period.

### Employee Benefits While on Leave

- While an employee is on PFML, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. The employee must continue to pay their portion and this will continue through a payroll deduction.  
If the employee contributes to a County sponsored retirement plan or cafeteria plan, the County will continue making payroll deductions and contributions while the employee is on paid leave pursuant to any applicable plan documents.
- During PFML, the employee will continue to accrue vacation and sick leave.
- An employee who takes PFML that does not qualify for FMLA leave will be afforded the same level of job protection for the period of time that the employee is on PFML as if the employee was on FMLA qualifying leave.
- If a County holiday occurs while the employee is on PFML, such day will be charged to holiday pay; however, such holiday pay will not extend the total PFML entitlement.
- PFML will be paid on regularly scheduled pay days.

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- Upon termination of the employee's employment they will not be paid for any unused PFML for which they may have been eligible.
- Employees are reminded that the County has a long term disability plan if their needs exceed the benefits offered by this policy.