



MILLERSVILLE MARYLAND

WRITTEN DIRECTIVE

MEMORANDUM: 05-001

FILE BEHIND: Index Code 701.F

TO: All Sworn and Civilian Supervisors

FROM: Deputy Chief David G. Shipley *DWS*
Technical Services Bureau Commander

EFFECTIVE DATE: January 25, 2005

SUBJECT: **INTERMITTENT USE OF THE FAMILY
AND MEDICAL LEAVE ACT (FMLA)**

MESSAGE:

Some employees have intermittent medical absences and are placed under the provisions of the Family and Medical Leave Act (FMLA). The provisions of the FMLA ensure an eligible employee a period of absence of up to twelve weeks (60 workdays) in a calendar year. All absences must be supported by the completion of a "Certification of Health Care Provider" form, which is obtained at Police Personnel.

To provide greater insight on the FMLA, a copy of Personnel Bulletin #04-05-04, Administering FMLA – Periodic Certification has been printed on the reverse side. In accordance with this Bulletin, the following procedures are reiterated as the **employee's obligations**:

- 1) The employee must attempt to schedule their leave so as not to disrupt the operations of their assignment.
- 2) The employee is to discuss anticipated absences with his/her supervisor, so that future obligations will be met.
- 3) The employee must specify which absences are under the provisions of FMLA. An annotation on a leave request or doctor's note is sufficient.
- 4) In accordance with Rules & Regulations and County Code, absences resulting in the use of disability leave in excess of three (3) working days require support of medical certification.

When an employee is placed under the provisions of FMLA on an intermittent basis, he/she will also receive this information from Police Personnel.

The use of FMLA must be monitored, just as supervisors monitor the use of annual and/or disability leave. As stated earlier, an employee is entitled to 60 workdays of FMLA per calendar year. Therefore, the supervisor must be in contact with Police Personnel when an employee has used 50 days of FMLA in a calendar year so that their situation may be reassessed.

Direct any questions regarding this memo to the Police Personnel Section.

(over)



ANNE ARUNDEL COUNTY

OFFICE OF PERSONNEL

Personnel
Bulletin

BULLETIN NO.: 04-05-04
SUBJECT: ADMINISTERING FMLA –
PERIODIC CERTIFICATION

DEPARTMENT HEADS

PLEASE POST UNTIL
July 1, 2005

DATE: December 2004

GENERAL DISTRIBUTION
TO ALL EMPLOYEES

PERSONNEL OFFICE

When an employee is placed under the benefits of the Family and Medical Leave Act of 1993 (FMLA) he/she has a responsibility to provide periodic certification to the County of the continued need for absence.

Typically, if the employee is absent on a continuous basis, he/she may be required to provide re-certification of the medical necessity for absence after the thirty (30) day mark of the absence. There are times, however, when the County may appropriately ask for a recertification at an earlier date.

In the event that the employing department has an established usual and customary policy requiring all absent workers to report by phone at regular intervals, the employee covered by FMLA may be required to comply with the existing reporting policy.

When placing an employee on FMLA eligible leave, either for a continuous period or for periodic absences under the intermittent leave option, the Department may require the employee to comply with the department's usual and customary policy for prior notification of the need for leave and notification of the probable duration of the time off duty. Under the FMLA, when the leave is foreseeable, an employee should provide at least 30 days advance notice when possible. In the case of an unforeseeable need for FMLA, an employee must give notice of his or her need for the leave as soon as practicable.

When an employee is placed on a reduced leave or intermittent leave schedule under the FMLA, employees must attempt to schedule their leave so as not to disrupt the County's operations. It is helpful to both the employee and the County if the employee and his or her supervisor discuss each other's needs and upcoming obligations and schedule leave to address these needs and obligations. An employee must report when an absence from work is one that is covered by the FMLA so that the County can record use of FMLA leave in accordance with federal law.