

SICK LEAVE

1. EARNING SICK LEAVE

For each completed eighty (80) hours in active pay status, exclusive of overtime, unpaid leave of absence, or disciplinary suspension, each employee earns 4.6 hours of paid sick leave. (*Active pay status is defined as defined as hours worked, hours on approved paid leave, and hours on paid sick leave*). The amount of sick leave time any one (1) employee may accrue is sixteen hundred forty (1640) hours. Sick leave shall be charged in minimum units of one-half ($\frac{1}{2}$) hour. Employees absent on sick leave shall be paid at the regular rate.

Upon submitting proper verification, by the employee to Township, employees who transfer between departments (*other than within Clearcreek Township*), or agencies, or from other public employment, or who are reappointed or reinstated within ten (10) years of prior public service employment will be credited with one-fourth ($\frac{1}{4}$) of the accumulated hours of sick leave up to a maximum of sixteen hundred forty (1640) hours.

2. PAY-OUT OF SICK LEAVE UPON RETIREMENT OR DEATH

Upon retirement from Township service the employee will be paid one-half ($\frac{1}{2}$) of the hours of sick leave he/she accumulated, not to exceed a maximum of two hundred (200) hours. Upon separation for any reason other than retirement, no sick leave payout will occur.

For purposes of this section, retirement means that an employee has completed fifteen (15) years of credited service with the Ohio Public Employee Retirement System and has retired from Clearcreek Township or is eligible to receive disability pension benefits from the Ohio Public Employee Retirement System immediately following separation from employment with the Clearcreek Township. Retirement for fire employees shall be defined by Ohio Police and Fire Pension Fund guidelines.

When an employee passes away while in active employment, the surviving spouse or others, as spelled out in Section 2113.04 of the Ohio Revised Code, will be eligible to receive sick leave payment for which the decedent would otherwise have qualified. Such payment shall be based on the rate of pay of the employee at the time of death.

3. USING SICK LEAVE

Employees may use accrued, paid sick leave for the following reasons:

1. Illness or injury of the employee or injury/illness of the employee's immediate family where the employee's presence is reasonably necessary.
2. Exposure of employees or a member of their immediate family to a contagious disease which would have the potential of jeopardizing the health of other employees or the health of other persons.
3. Birth of an employee's child, and/or related medical conditions.

Upon the employee's request, vacation leave may be used as sick leave after sick leave is exhausted.

Immediate family, for purposes of sick leave, shall be defined as: 1) **SPOUSE**, 2) **PARENT**, 3) **CHILD**, 4) **STEPCHILD**, and 5) **ANY other relation living in the employee's household.**

Employees should give as much notice as reasonably practicable under the circumstances of the need to use sick leave. Employees should contact their immediate supervisor or other designated person as far in advance as possible, but in no case later than two (2) hours prior to beginning a scheduled shift, unless other arrangements have been made with the supervisor or otherwise required by law. Failure to do so may result in a denial of leave, denial of paid leave, and/or disciplinary action, up to and including termination. When providing notice, employees must be specific, including a description of symptoms of the illness or injury and the anticipated length of incapacity, if known. Supervisors will notify the Department Head immediately of the so that appropriate staffing arrangements can be made. Supervisors will document the absence on the appropriate form and forward it to the Department Head. Nothing in this section shall be construed as to require the Township Administrator and/or Department Head to approve the use of sick leave by an employee.

Upon return to duty, the employee will submit the appropriate form documenting the date and times of the absence and the reason as reported to the employee's supervisor.

4. ABUSE OF SICK LEAVE

This policy is to provide the Township accountability and to control excessive or abusive employee absenteeism. It will be the responsibility of all Township employees to be aware of and comply with this policy.

The Township recognizes and expects that employees will be absent occasionally for a variety of reasons (*e.g. illnesses, planned vacations, scheduled days off, special assignments, military leaves, disability leaves*). However, when employees create a consistent pattern of absenteeism or are excessively absent, the Township must react to ensure the ethical and economic values of the Township, and the safety of all persons and property.

Should substantial evidence suggest that an employee's reasons for being absent are suspicious, or the employee is excessively absent, the Township will take reasonable and appropriate action to correct the problem. The Township Administrator and/or Department Head may investigate all usage of sick leave and may withhold full payment of said sick leave until the investigation is completed with just cause. During the investigation or as a result of the investigation, the Township may require one or more of the following actions:

- requiring the employee to undergo a fitness for duty examination;
- requiring the employee to provide a fitness for duty certification;
- requiring the employee to cooperate in the development of a performance improvement plan;
- requiring the employee to answer completely and truthfully all questions related

to the investigation.

Should the Township Administrator and/or Department Head determine that an employee has not used sick leave properly, payment may be denied and the employee may be disciplined, up to and including termination. Additionally, should probable cause exist that the employee committed a fraud or any other criminal violation in the use of sick leave, that employee may be charged with a criminal violation as well.

Employees who do not report for work due to sickness and who have exhausted their sick leave days and have no other leave available are subject to disciplinary action for being absent without approved leave. When an employee's absenteeism becomes excessive or creates substantial evidence of abuse, the employee will be so notified and expected to develop a solution to the problem. That solution may include a medical evaluation report to be completed by the employee's physician at the employee's cost.

When substantial evidence suggests that an employee is absent because of a possible physical or mental disability, that employee will be subject to a fitness for duty evaluation. The purpose of the evaluation is to determine whether the employee is fit to perform the essential functions of his/her position with or without reasonable accommodations.

Substantial evidence is the level of evidence a reasonable person needs to support a conclusion. A pattern of sick leave usage attached to regularly scheduled days off or sick leave usage in a predictable pattern (*e.g. used in close proximity to time earned*) will be considered "substantial evidence." It is this level of evidence that is appropriate in an administrative setting and will be the standard adopted by the Township. The Township will not wait until it has proof beyond a doubt or even a preponderance of evidence before acting on employee absenteeism.

An employee absent on sick leave for more than two (2) days shall submit documentation from a physician substantiating the reason for the leave (*documentation*). The Township Administrator and/or Department Head have authority to require employees to furnish documentation for any sick leave. Failure to submit documentation as required may result in leave without pay and a deduction in the subsequent payroll period; refusal to submit documentation may lead to disciplinary action, up to and including termination. The doctor's documentation should be forwarded to the Township Administrator and/or Department Head.

If employees believe this policy has been improperly or unfairly applied, they are encouraged to discuss the issues with a Township authority of their choice. They should do this free from fear of retaliation. Nothing in this policy is to be construed that employees are prevented from first contacting a human rights commission or any other referral or representative agency.

Controlling absenteeism is a legitimate business necessity and a basic management right. The Township intends to comply with the requirements of local, state, and federal anti-discrimination laws and any other personnel laws, or administrative regulations or provisions that may exist. The Township respects our employees' rights to protection provided them by law. Very important are the rights afforded through the 1964 Civil Rights Act, the 1990 Americans with Disabilities Act, the Family and Medical Leave Act of 1993, and the Township's personnel code.

Where the law has different notice requirements, allows the use of paid sick leave in different increments than stated under this policy, or otherwise differs from this policy, the law shall govern.

SICK LEAVE DONATION PROGRAM

The purpose of this program is to provide a source of income to eligible employees who have exhausted all paid leave and are experiencing a non-work related, catastrophic illness or injury, as defined below, that will require an extended leave of absence from work. This program is not available for family leave. The following guidelines will be observed for the program.

A “**catastrophic illness/injury**” will be defined for this program as any illness or injury that meets all of the following criteria:

1. Prohibits an employee from performing one or more of his or her essential job functions for a minimum of four (4) consecutive work weeks;
2. Requires an absence from the workplace for a minimum of one-hundred sixty (160) consecutive work hours;
3. Requires the employee to be hospitalized or substantially limited to his or her home for a minimum of four (4) consecutive work weeks;
4. The illness/injury is not self-inflicted;
5. The illness/injury is not so severe as to warrant a medical disability retirement;
6. The illness/injury is not the result of an illegal act by the requesting employee; and
7. The illness/injury is not work-related.

NOTE: Criteria one (1) through five (5), above, must be documented to the satisfaction of the Township by the employee's health care provider(s). The Township further reserves the right to require an independent medical review or medical examination prior to approving any request for Donated Sick Leave.

To be eligible to request Donated Sick Leave, an employee must meet of the following requirements:

1. Have a catastrophic illness/injury, as defined above (**NOTE: Donated Sick Leave may not be used for leave to care for a family member who is ill or injured**);
2. Have exhausted all available paid time off, including, but not limited to, sick leave, vacation, personal days, and compensatory time;
3. Have at least one (1) year of continuous, full-time employment with the Township; and
4. Has not received a disqualifying disciplinary action during the twelve (12) month period immediately preceding the request for sick leave. For purposes of this program, a “disqualifying disciplinary action” includes: one or more paid or unpaid disciplinary suspensions totaling five (5) calendar days or more,

- disciplinary reductions in pay equal to five (5) days or more, any disciplinary demotions, and any suspensions of sick leave privileges;
5. Is not eligible for temporary or permanent total disability payments under the state workers' compensation law, and/or any other disability leave payments such as Short-Term or Long-Term Disability payments; and
 6. Is not eligible for regular retirement.

Eligible employees may request a maximum of one-thousand forty (1040) hours of Donated Sick Leave by following the below steps:

1. The employee requesting sick leave will prepare an "**Authorization for Release of Information**," and present it to his or her health care provider, along with a copy of the "**Certification of Employee Medical Condition**".
2. The employee must then submit to the Department Head:
 - a) A completed Application for Sick Leave including but not limited to, '**Authorization for Release of Information**' and '**Family and Medical Leave Request Form**'; and
 - b) A '**Certification of Employee Medical Condition**' form.
3. Applications for sick leave through the Sick Leave Donation Program will be reviewed by the Township Administrator within five (5) working days of receipt to:
 - a) ensure that the applicant meets the eligibility requirements listed above; and
 - b) determine if the illness or medical condition is a qualifying event under the Family and Medical Leave Act of 1993 (*FMLA*).
4. If the application is incomplete or the employee does not meet the eligibility requirements, or the application is otherwise disapproved by the Township Administrator, the employee will be advised in writing of the reason(s) for disapproval.
5. If the illness or medical condition is a qualifying event under FMLA, the employee must be promptly informed by the Township in writing that all leave granted through the Sick Leave Donation Program will be credited towards the Township's obligation to provide leave under FMLA.
6. The Township Administrator shall have the discretion to approve or deny a request for Donated Sick Leave based on the following criteria:
 - a) The employee's longevity with the Township;
 - b) The employee's overall disciplinary history;
 - c) The employee's history of paid sick leave usage (*use of leave protected by the FMLA will not be held against the employee in any way*);
 - d) Whether the employee has personally donated sick leave to the Sick Leave Bank, if/when the opportunity to do so has arisen; and

- e) The employee's overall work history, including, but not limited to, annual reviews.

The decision of the Township Administrator to approve or deny a request for Donated Sick Leave as well as any action taken hereunder by the Township Administrator shall not be subject to grievance, challenge, or appeal.

7. Should the Township Administrator approve a request for Donated Sick Leave, the Township Administrator shall inform the employee, in writing, that the request has been approved and shall state the maximum number of Donated Sick Leave hours available to the employee. If the maximum number of hours so stated is insufficient, the employee may make a second request for Donated Sick Leave following the same procedures as the first request.
8. Once a request for Donated Sick Leave has been approved, sick leave will be transferred out of the Sick Leave Bank and added to the Leave Recipient's sick leave balance on an as-needed basis, up to the maximum hours granted, after the employee has exhausted accrued sick leave, personal days, vacation, and compensatory time.
9. In the event that there is insufficient leave available in the Sick Leave Bank to cover the hours granted to any employee under this Program, an Outlook message will be generated to seek additional donations from Township personnel. If the Sick Leave Bank remains insufficient to cover the hours needed by the employee, the employee's leave will be unpaid.
10. When the employee on sick leave returns to work, the Office of the Township Administrator and Fiscal Officer should be notified by the Department Head.
11. While receiving donated leave, an employee will not accrue sick leave, personal days, or vacation leave and shall not be eligible for sick leave incentive such as a personal day. An employee who receives donated leave hours from Sick Leave Bank account will not be required to repay those hours.

The following procedures are for donating sick leave:

1. An Outlook message will periodically be sent reminding Township personnel of the Sick Leave Donation Program and inviting donations to be made by those eligible to donate. Donation to the Sick Leave Donation Program is entirely voluntary and confidentiality will be maintained to the fullest extent reasonably possible.
2. Employees with a balance of five hundred (500) or more hours of sick leave may donate hours in excess of five hundred (500) to the Sick Leave Bank. No employee may donate more than fifty-six (56) sick leave hours to the Sick Leave Bank during any rolling twelve (12) month period.
3. Employee donations to the Sick Leave Bank are entirely voluntary and made with the understanding that the donation will not be returned. Donations will be made to the Sick Leave Bank, in general, and donations for a specific co-worker will not be accepted.
4. Donations will be accepted only in whole hours. The minimum that can be

donated at any one time is eight (8) hours.

5. The following steps apply when processing sick leave donations:
 - a. An employee wishing to donate sick leave must complete a Sick Leave Bank Donor form and submit it to his/her Department Head. The donor employee must specify the number of hours to be donated.
 - b. The Department Head must review the Sick Leave Donor form within three (3) working days of receipt to insure that:
 - (1) the form is complete; and
 - (2) the employee meets the eligibility requirements for donors.

NOTE: If the form is incomplete, it will be returned to the employee, noting any omissions.

- (a) If the employee is eligible to donate sick leave and the donation does not reduce the donor's sick leave balance below five hundred (500) hours, the Township Administrator must approve the donation. If the form is approved the donor will be notified in writing that the donated leave will be added to Sick Leave Bank. The Fiscal Officer will deduct the donated leave from the donor's sick leave balance.
 - (b) If the employee is not eligible to donate sick leave or the amount of sick leave to be donated reduced the employee's sick leave balance below five hundred (500) hours, the Township Administrator must disapprove the donation and advise the employee.
 - (c) If the form is inaccurate or incomplete, it will be returned to the employee noting any error or omission.
6. Leave hours donated to the Sick Leave Bank will be deducted from the donating employee's accrued leave account. Donated leave time will not be considered when reviewing an employee's leave usage for disciplinary or other employee review purposes, but may be considered when processing any request by the donating employee to use Donated Sick Leave from the Sick Leave Bank.
7. A sick leave donation is permanent and therefore cannot be returned to the donor or converted to cash by the donor's estate.
8. The Township Administrator shall, upon or with such conditions as he deems necessary, approve or disapprove the proposed donation. The decision of the Township Administrator as well as any action taken hereunder by the Township Administrator shall not be subject to grievance, challenge, or appeal.
9. The Township Administrator shall ensure that no employee is forced or coerced into donating sick leave.
10. Donated Sick Leave will remain in the Sick Leave Bank until used by a requesting employee.

11. The Township retains the right to place and maintain a maximum cap on the number of hours of sick leave available in the Sick Leave Bank and to reject donations to the Sick Leave Bank based where the maximum number has been reached.
12. Employees may choose to donate any personal or vacation leave that would otherwise have been forfeited pursuant to Clearcreek Township's personal or vacation leave policies to the Sick Leave Bank. To donate unused personal or vacation leave, the employee must complete a Sick Leave Bank Donor form, indicating the number and type of hours to be donated, and submit it to his/her Department Head within five (5) business days after the employee's anniversary date. Donation of unused personal or vacation leave will not count toward the five hundred (500) hour maximum donation limit.

FAMILY MEDICAL LEAVE ACT

It is the intention of this policy to establish a leave of absence program that will comply with the FMLA of 1993, as amended, as well as provide a measure of job security for the employee when following the guidelines as described below.

General Provisions:

1. **FMLA Leave.** FMLA leave is granted to employees to provide care when necessary for one or more of the following reasons:
 - a. **The birth of the** employee's child;
 - b. **The placement of** a child with the employee in connection with an adoption or foster care;
 - c. To care for a child, parent or spouse who has a serious illness or health condition;
 - d. Due to a serious health condition that prevents the employee from performing the functions of his/her position;
 - e. When the employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered, active military duty or has been notified of an impending call or order to covered active duty in the Armed Forces.
2. **Servicemember Family Leave.** Servicemember Family Leave is a special type of FMLA leave provided to eligible employees who are the spouse, child, parent, or next of kin of a covered Servicemember. These employees are entitled to up to 14 weeks of additional leave during a single 12-month Servicemember Period (for a total of 26 weeks of leave if combined with other FMLA leave), to care for such covered Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taking during the 12-month Servicemember Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-month Servicemember period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the Township, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

Definitions:

1. **Serious Health Condition:** A serious health condition exists if the employee, or the employee's child, spouse, or parent has an illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care (overnight stay);
 - b. Incapacity requiring absence from work for more than three (3) calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider;
 - c. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three (3) calendar days; or
 - d. Prenatal care by a health provider.
2. **12-Month Period** means a rolling 12-month period measured backward from the date leave is taken.
3. **12-Month Servicemember Period** means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
4. **Child.** For the purpose of this policy, child means a biological, adopted or foster child, or a legal ward, who is either under eighteen (18) years old or a dependent adult. Parent means a biological, foster or adoptive parent, stepparent, legal guardian or other individual who qualifies as a parent by law. Parent usually does not include a parent-in-law or grandparent.
5. **Parent.** Parent means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
6. **Next of Kin.** Next of Kin means the nearest blood relative of a Covered Servicemember.
7. **Covered Active Duty.** Covered Active duty means:
 - a. In the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and
 - b. In the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where the Servicemember may become involved in military actions, operations or hostilities against an enemy of the United States or against an opposing military force.
8. **Covered Servicemember.** A Covered Servicemembers includes:
 - a. A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or
 - b. A veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five (5) years.
9. **Veteran.** Veteran means a person who service in the active military, naval or air service, who was discharged or released under conditions that were not dishonorable.
10. **Serious Injury or Illness.** Serious Injury or Illness means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a Servicemember, renders the Servicemember medically unfit to perform his or her duties, or, in the case of a veteran, manifested itself

before or after becoming a veteran.

11. **Qualifying Exigency.** A Qualifying Exigency includes:
 - a. Notification of a call to Covered Active Duty seven or fewer days from the date of deployment;
 - b. Military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc.) related to Covered Active Duty or a call to such;
 - c. Attending to childcare and school activities;
 - d. Attending to financial and legal matters;
 - e. To spend up to five (5) days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and
 - f. Any additional activities related to the call to Covered Active Duty otherwise agreed to by the employer and employee.
- 12.

Eligibility:

1. Any employee who has completed at least twelve (12) months of service and has worked at least 1250 hours during the twelve-month period preceding the anticipated date of leave may request a paid or unpaid FMLA Leave and/or Servicemember Family Leave.
2. **Husband/Wife Employees:** When both husband and wife are employees of the Township, the aggregate number of permitted weeks of FMLA Leave is limited to twelve (12) weeks in the twelve (12) month period if the leave is for birth or adoption. For other types of family leave (*i.e., serious illness of the employee or the employee's spouse or child*) each employee retains the right to take up to twelve (12) weeks.
3. Leave for the birth or placement of a child must take place within twelve (12) months after the event. Leave may begin prior to birth or adoption, as circumstances dictate.

Duration:

1. FMLA Leave may be granted for up to twelve (12) weeks during a rolling 12-month period. A "rolling" 12-month period measured backwards from the date FMLA leave is to begin is used to determine the amount of leave available.
2. Any absence that is covered by the FMLA will not be used as a basis for disciplinary action of any sort.

Intermittent or Reduced Schedule Leave:

1. Under some circumstances, employees may take FMLA intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule. Requirements for Intermittent or Reduced Schedule Leave include completion of the "**Certification of Health Care Provider**", and employee status at a minimum of every thirty (30) days.
2. If the leave is for planned medical treatment, the employee must make an effort to schedule treatment so as not to disrupt work.
3. If an employee requests intermittent or reduced leave, the employee may be required to

temporarily transfer to an alternative position, with equivalent pay and benefits, where the alternative position is better suited to accommodating recurring periods of leave than the employee's regular position.

Return to the Position:

Employees taking a leave will be reinstated to their same or equivalent positions upon return to work, with no loss of pay rate, accrued benefits, seniority and other terms and conditions of employment, provided FMLA leave does not exceed twelve (12) weeks in the 12-month period.

Processing Requests for FMLA:

1. Notification

- a. To request an FMLA Leave, an employee must provide reasonable notification as a condition of eligibility for a leave. The employee must notify his/her Supervisor in writing of the need for such a leave. Verbal requests for leave may be accepted, but must be followed up in writing. The employee must complete the Leave of Absence Request form.
- b. If the FMLA Leave is unforeseeable, the employee, or the employee's designee, may provide verbal notice within one or two business days of when the need for leave becomes known to the employee. This must be followed by a written notification as soon as possible.
- c. Reasonable Time for Notification:
 - 1) For a foreseeable leave, the employee must give thirty (30) days notice before leave is to begin; or if thirty (30) days notice is not possible, the employee must give notice as soon as practicable.
 - 2) When medical emergencies arise, the employee or the employee's designee (e.g., spouse, family member, etc.) must notify the employee's Department Manager of his/her need for leave as, soon as possible. This emergency notice should come within one or two business days of when the employee learns of the need for leave.
 - 3) If there is doubt regarding whether the leave is covered under FMLA, Supervisors should ask the Assistant Township Administrator for assistance. In general, leaves involving hospitalization or absence from work for more than three (3) consecutive days because of the employee's serious illness or the serious illness of family members should be treated as covered under the FMLA (*see definition for Serious Health Condition*).
- d. Leave of Absence Request Forms may be obtained from the Township Administration office.
- e. In the event of leave to attend to a qualifying exigency, the employee must provide as much notice as is reasonable and practical under the circumstances.

2. Medical Certification:

- a. Medical certification is required to support the need for leave and determine the

- employee's fitness to return to work. Initial medical certification must be provided within fifteen (15) days or the leave may be delayed or denied. Unless medically necessary, leave on an intermittent or reduced schedule basis must be approved by the Company. Recertification may be required in accordance with the FMLA.
- b. The Township, at its own expense, may require the employee to obtain the opinion of a second health care provider. In the event of a conflict between the first and second opinions, the Township may, at its own expense, obtain a third opinion from the health care provider approved jointly by the Township and the employee. This third opinion would be final and binding.
 - c. The Certification of Health Care Provider must include:
 - d. The date the health condition commenced;
 - e. The expected duration of the condition;
 - f. Appropriate medical facts necessary to verify leave requests;
 - g. An estimate of the amount of time required to be off work.
 - h. A Certification of Health Care Provider Form may be obtained from the Township Administration office.
 - i. Certification is also required related to Covered Active Duty or a Call to Covered Active Duty. The employee requesting leave related to a family member's Covered Active Duty or Call to Covered Active Duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
 - j. Certification is also required for Extended Servicemember Family Leave. Employees requested extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty. Additionally, in the case of a Servicemember, the documentation must state that the injury or illness renders the Servicemember unfit to perform military duties. In the case of a veteran, the documentation must state that the veteran was a member of the Armed Forces within the preceding five years.

G. Benefits During Leave:

Employees are required to use accrued paid leave (*sick, vacation or personal*) as part of what would otherwise be unpaid FMLA leave. After these benefits are exhausted, remaining leave will be unpaid. The total length of all paid and unpaid portions of the leave of absence added together cannot exceed twelve (12) weeks, whether or not they are taken consecutively. Eligible employees may request to use Donated Sick Time to cover otherwise unpaid FMLA leaves.

Using FMLA leave does not result in the loss of any accrued benefits. Employees are not eligible for holiday pay during periods of FMLA unless on otherwise paid leave.

Group health plan coverage is continued under the same conditions coverage is provided to those employees not on leave. The cost of the employee portions of premiums and other authorized deductions will be paid by the employee. The employee should make arrangements with the Township regarding timely payment of premiums. If an employee's contribution is more than 30 days late, the Township may terminate the

employee's insurance coverage.

H. Return From Leave:

To return to work, an employee must provide a release from a physician for any medical leave. If an employee wishes to return to work before the expiration of an FMLA leave, notification must be given to the employee's supervisor and the Assistant Township Administrator. The employee may be required to undergo a Fitness For Duty Evaluation.

I. Failure to Return From Leave:

The failure of an employee to return to work upon the expiration of an FMLA leave will be considered a voluntary resignation of employment. If an employee has not exhausted his/her twelve weeks of FMLA leave and needs an extension of FMLA leave due to the continuation, recurrent or onset of the employee's own serious health condition or of the serious health condition of the employee's spouse, child or parent, he or she must submit a request as soon as the employee realizes that he or she will not be able to return at the time of expiration of the leave period. If an employee has exhausted all available FMLA leave but has additional, accrued paid leave available, the employee may request additional paid leave time. This time off, however, will not be covered by the FMLA.

J. Unauthorized Work While on FMLA (Moonlighting):

The Township prohibits unauthorized work for personal gain while on FMLA leave. Employees are prohibited from engaging in any form of employment or self-employment while on a leave of absence due their own or a family member's serious health condition. Supplemental employment while on FMLA shall result in automatic termination of employment.

The Township does not grant leaves of absence in addition to the leaves mentioned in this handbook. Once an employee has exhausted all available leaves, any further absence will be an unexcused absence and will result in discipline, up to and including termination.

PERSONAL

In each calendar year an employee shall be credited with one (1) personal leave day per year. This personal leave day shall not be deducted from earned sick leave.

Employees who do not use any sick leave during any one hundred eighty (180) consecutive day period shall be granted one (1) additional personal leave day with pay without being subtracted from their accumulated sick leave. A maximum of two (2) additional personal leave days can be earned during any calendar year. The consecutive day period provided for in this Section can begin at any time, and shall end one hundred eighty (180) days later. Employees must request personal day leave use as far in advance as possible.

The Township reserves the right to deny any request for personal day leave that is not made more than thirty (30) calendar days in advance. Such denial shall not be subject to the complaint resolution procedure.

Employees must schedule and use earned personal day leave within one hundred eighty (180) days of the date on which such personal leave day is earned. Earned personal day leave not scheduled and used within one hundred eighty (180) days shall be dropped.