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## PREGNANCY POLICY

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**Effective Date:** March 12, 2002  
**Section:** 207

In the case of pregnancy, it shall be the policy of the Township to allow the pregnant employee to continue working so long as she is physically capable to do so with the approval of her physician and Department Head. "Physically capable" means the ability to satisfactorily perform the normal job duties of the position to which the employee is assigned, as determined by the employer. If deemed necessary by the Department Head or Township Administrator, the employee must provide certification from a doctor of her choice that continued employment will not be detrimental to the employee's health.

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## SICK LEAVE BENEFITS

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**Section: 305**

**July, 2009  
January, 2011  
September 2013**

Employees shall accrue for each completed 80 hours of service sick leave in the amount of four and six-tenths hours. Employees may use sick leave, upon approval of the Department Head and/or the Township Administrator, for absence due to personal illness, exposure to a contagious disease which could be communicated to other employees or for illness, injury or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every hour of absence from previously scheduled work. Unused sick leave shall accumulate to a maximum of 320 days (2560 hours).

Effective September 1, 2013 an employee who is hired directly from the State of Ohio, or any city, village, county, or township in Ohio may transfer all sick leave accumulated at the previous, listed governmental entity to Springfield Township. A certified letter from the previous governmental entity with the balance listed is required.

The transferred sick leave will be maintained in a separate leave bank and will be available for sick leave use only. Transferred sick leave may only be used after sick leave accrued due to service with Springfield Township is exhausted. Transferred sick leave is not available for the buy-back at year end and/or pay-out upon retirement or death options outlined in this section and will not be counted in any way toward the minimum hour or service year requirements for buy-back or pay-outs. Transferred sick leave is counted towards an employee's maximum accumulated sick leave of 320 days (2560 hours).

If requested to do so, Springfield Township will provide a letter which details the amount of sick leave accrued at Springfield Township to other jurisdictions when an employee leaves employment with Springfield Township.

An employee with ten (10) years of service with the Township, or ten (10) or more years of public service with political subdivisions of the State of Ohio, who retires from active service with Springfield Township, shall be paid fifty percent (50%) of the value of his/her accrued but unused sick leave, up to a maximum payment of eight hundred (800) hours. Payment shall be based upon the employee's rate of pay at the time of retirement.

Employees with an accrued sick leave balance of 1,000 hours or more may sell up to one hundred twenty (120) hours of sick leave each year, at fifty percent (50%) of the Employee's current hourly rate, payable in November of each year. All requests for such payment must be made by October 1 to receive the November payout.

To be eligible for the buy-back of unused accrued sick leave an employee shall not use more than thirty (30) days of sick leave within twelve (12) months preceding his/her date of retirement, unless otherwise approved by the Township Administrator and the Board of Trustees.

In the event of the death of an active employee, the employee's accrued but unused sick leave will be converted to a lump sum payment in the same manner and up to the same maximum payment as set forth above for retirement pay-outs. If the death of an

employee occurs during the proper execution of his/her assigned duties as an employee, all of the employee's accrued but unused sick leave will be converted to a lump sum payment. All payments made pursuant to this paragraph shall be paid to the employee's beneficiary as previously designated by the employee in writing. If there is no official designation of a beneficiary, the payment shall be made to the employee's estate, upon application by the executor of the estate.

### **USE OF SICK LEAVE**

Sick leave, with pay, may be used for the following purposes, and must have the approval of the Department Head and/or the Township Administrator. In this Section, a day shall be defined as a period of time constituting eight (8) hours and a week shall be defined as a period of time constituting forty (40) hours.

- a. For absence of the employee due to illness, injury, or exposure to contagious diseases which could be communicated to other employees. Where an employee plans to use or uses sick leave for a period in excess of three (3) days, he/she must follow the procedures listed in Section 602 of this Manual relating to FMLA leave and must complete the leave of absence, initial medical certificate, and return to work certificate forms outlined in that section.
- b. For absence of the employee due to illness of someone in the employee's immediate family. For purposes of this paragraph, the immediate family is defined as the employee's husband, wife, son, daughter, stepson, stepdaughter, mother, father, mother-in-law, or father-in-law who resides in the employee's home at the time of the illness. With the exception of FMLA-qualifying leaves of absence to care for persons specifically outlined in the FMLA, absence due to illness of immediate family shall not exceed five (5) total days during any twelve-month period, unless the employee requests and receives advance approval from the Department Head and/or the Township Administrator for additional time. Where an employee plans to use or uses sick leave under this paragraph for a period in excess of three (3) days (or five (5) days in the case of absences taken to care for persons other than those specifically outlined in the FMLA), he/she must follow the procedures listed in Section 602 of this Manual relating to FMLA leave and must complete the applicable forms outlined in that section. In the event that all vacation, personal, holiday, and compensatory time, and five (5) days (40 hours) of sick leave have been exhausted, the Township Administrator may approve additional sick leave to care for a family member at the employee's advanced written request.
- c. For absence due to the death of any of the following members of the employee's family: father, mother, brother, sister, son, daughter, stepson, stepdaughter, husband, wife, or grandparent or any aunt, uncle, niece, nephew, grandchild, or in-law of the employee who was, at the time of their death, a permanent resident of the employee's household. Absence due to such situation shall not exceed three (3) days unless the employee requests and receives advance approval from the Department Head and/or the Township Administrator for additional time.
- d. For absence due to death of an aunt, uncle, nephew, niece, grandparent, grandchild, sibling, or parent of the employee's spouse. Any sick leave usage hereunder is limited to one (1) day of the actual attendance of the funeral unless the employee requests and receives advance approval from the Department Head and/or the Township Administrator for additional time.

- e. Sick leave may be used as personal leave by full-time employees to attend to extraordinary personal matters which cannot be cared for outside the employee's normal working hours, provided that the orderly and efficient operation of the department is not impaired. Such requests shall only be made in extreme situations and shall require the prior approval of the Department Head and the Township Administrator.

A written request for the use of personal leave must be approved at least seventy-two (72) hours in advance of the requested time off and may not be granted for the purpose of extending a vacation or holiday or similar activity. Advance notice may be waived in cases of extreme emergency.

As is more fully explained in other sections of this Manual, Springfield Township requires employees to use transferred and accrued leave as part of the twelve (12) OR twenty-six (26) work week FMLA leave entitlement. Such leaves shall run concurrently. Accordingly, when an eligible employee takes leave for his/her own "serious health condition," he/she is required to utilize his/her accrued sick leave as all or part of the twelve (12) or twenty-six (26) weeks granted under the FMLA. If the eligible employee's sick leave is exhausted prior to the expiration of his/her FMLA leave, the remainder of the FMLA leave shall be granted as an unpaid leave of absence.

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## JURY DUTY

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**Effective Date:**      **January 1, 2000**  
**Section:**              **307**

**Revised: March 12, 2002**

The Township will give full pay to an employee who is subpoenaed for jury duty by the United States, State of Ohio, or a political subdivision thereof.

Part-time employees will be paid by the Township for the hours they are scheduled to work but are required to report to jury duty.

During the period of jury duty, employees are required to be at work as scheduled whenever their presence is not required by the court.

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## FAMILY LEAVE

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**Effective Date:**      **July 1, 2009**  
**Section:**              **318**

Employees shall be entitled to designate up to six (6) weeks of accrued sick, vacation, or personal leave as Family Leave to be used for absences due to childbirth. Family Leave must be taken immediately following childbirth and shall not exceed six (6) weeks for the employee giving birth or five (5) days for an employee whose spouse has given birth. Where an employee plans to use or uses Family Leave, he/she must follow the procedures listed in Section 602 of this Manual relating to FMLA leave and must complete the applicable forms outlined in that section. Leave taken for childbirth beyond the maximum leave amounts established herein, or beyond the employee's accumulated sick, vacation, or personal leave shall be taken as unpaid FMLA leave pursuant to Section 602 of this Manual.



section), along with his/her written request for medical leave of absence without pay, and the employee is:

- (1) Hospitalized or institutionalized;
- (2) On a period of convalescence following hospitalization or institutionalization authorized by a physician at such hospital or institution; or
- (3) Declared incapacitated for the performance of his/her duties by a licensed medical practitioner designated by Springfield Township.

It is the employee's responsibility to request a medical leave of absence without pay as such leave is not granted automatically when an employee's accrued leave balances are exhausted.

When an employee is ready to return to work from a medical leave of absence without pay, he/she shall furnish a statement by the attending licensed medical practitioner to certify that the employee is able to return to work. Springfield Township may request that the employee submit to examination by a licensed medical practitioner selected by and paid for by Springfield Township before an employee is permitted to return to work from such leave. Employees who are released by the physician(s) provided for in this section shall be assigned to a work schedule as soon as practical following such release(s).

### **3. Disability Leave of Absence Without Pay**

Employees may be granted a disability leave of absence without pay. A physically or mentally incapacitated employee who has completed his/her probationary period may request a disability leave of absence without pay. A disability leave of absence without pay for a period not to exceed six (6) months may be granted when such disability continues beyond the use of all accumulated sick, vacation, holiday, and compensatory time leave, or beyond the period of medical leave of absence without pay, provided that the employee furnishes Springfield Township with satisfactory proof of such disability (utilizing the procedures listed in Section 602 of this Manual relating to FMLA leave and by completing the applicable forms outlined in that section), along with his/her written request for disability leave of absence without pay, and the employee is:

- (1) Hospitalized or institutionalized;
- (2) On a period of convalescence following hospitalization or institutionalization authorized by a physician at such hospital or institution; or
- (3) Declared incapacitated for the performance of his/her duties by a licensed medical practitioner designated by Springfield Township.

It is the employee's responsibility to request a disability leave of absence without pay as such leave is not granted automatically when an employee's accrued leave balances and/or medical leave of absence without pay is exhausted.

When an employee is ready to return to work from a disability leave of absence without pay, he/she shall furnish a statement by the attending licensed medical practitioner to certify that the employee is able to return to work. Springfield Township may request that the employee submit to examination by a licensed medical practitioner selected by and paid for by Springfield Township before an employee is permitted to return to work from such leave. Employees who are released by the physician(s) provided for in this section shall be assigned to a work schedule as soon as practical following such release(s).

#### **4. Educational Leave of Absence Without Pay**

Employees may be granted an educational leave of absence without pay for the purpose of education, training, or specialized experience that would be of benefit to Springfield Township. Such educational leave of absence without pay shall not exceed twenty-four (24) months. Employees must exhaust all vacation, holiday, and compensatory time pursuant to their respective policies and/or contracts prior to taking an educational leave of absence without pay.

#### **Standard For Granting Requests For Unpaid Leaves of Absence**

The authorization of any leave of absence without pay as provided for in this Section is a matter of the administrative discretion of Springfield Township. Springfield Township will decide in each individual case if a leave of absence without pay is to be granted.

#### **Notification Requirements**

The employee shall notify Springfield Township as far in advance as possible of his/her intention to request any leave of absence without pay. Springfield Township may deny or delay the granting of any leave of absence without pay in order to maintain the effective and efficient operation of the Township.

#### **FMLA Leave Runs Concurrently With Leaves of Absence Without Pay**

As explained more fully in other sections of this Manual, FMLA leave requested beyond an employee's earned and accrued paid leave shall run concurrently with any leave of absence without pay granted to the employee. However, the denial of a request for any category of leave of absence without pay in no way reduces or limits an eligible employee's entitlement to up to twelve (12) weeks of Basic FMLA leave and/or up to twenty-six (26) weeks of Military FMLA leave.

#### **Return to Duty Requirements**

An employee may return to work before the scheduled expiration of any leave of absence without pay if he/she so requests in writing, and if approved by Springfield Township.

Any employee who fails to return to work at the expiration of any leave of absence without pay shall be terminated from employment.

### **Continuation of Health Care Benefits During Leaves of Absence Without Pay**

Employees on leave of absence without pay are entitled to a continuation of health care benefits as follows:

- (1) Employees on medical leaves of absence without pay are entitled to a continuation of health care, dental, and life insurance benefits for the first three (3) months of leave at the same costs and to the same extent as they would have been entitled had they not been absent on leave;
- (2) Employees on disability leaves of absence without pay may receive a continuation of health care, dental, and life insurance benefits if they received a continuation of their health care, dental, and life insurance benefits for the *entire* period of their medical leave of absence without pay and have submitted a written request for an extension of health care, dental, and life insurance benefits for the period of their disability leave of absence. Such requests to extend employees' health care, dental, and life insurance benefits shall be submitted and approved as outlined below. Any such benefits granted shall be at the same costs and to the same extent as they would have been had the employee not been absent on leave;
- (3) Employees on personal leaves of absence without pay are entitled to a continuation of health care, dental, and life insurance benefits for the first month of leave at the same costs and to the same extent as they would have been entitled had they not been absent on leave; and
- (4) Employees on educational leaves of absence without pay are entitled to a continuation of health care, dental, and life insurance benefits for the first month of leave at the same costs and to the same extent as they would have been entitled had they not been absent on leave.

Upon the written request of the employee at least five (5) business days prior to the cessation of health care, dental, and life insurance benefits as outlined above, the Township Administrator may grant an extension of health care, dental, and life insurance benefits if he determines that granting such an extension is necessary to avoid an undue hardship to the employee and is in the best interests of Springfield Township. Such extensions of health care, dental, and life insurance benefits may be permitted for any period of time up to the conclusion of the approved period of leave of absence without pay and must be approved in writing.

The Township Trustees may request that employees (on medical or disability leaves of absence without pay) submit to examination by a licensed medical practitioner selected by and paid for by Springfield Township at any time during this three (3) month period as a condition of continuation of health care, dental, and life insurance coverage.

### **Non-Continuance of Earned Benefits During Leave of Absence Without Pay**

Earned benefits (e.g. seniority, vacation time, sick time, holiday pay) will not continue to be accrued during periods of leaves of absence without pay.



Pursuant to the Basic Leave Entitlement, eligible employees are entitled to up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- (1) To care for the employee's child after birth, or placement for adoption or foster care;
- (2) To care for the employee's spouse, child, or parent with a serious health condition; or
- (3) To take medical leave when the employee is unable to work because of a serious health condition.

**"Serious health condition"** means an illness, injury, impairment, or physical or mental condition that involves:

- (1) Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care;
- (2) Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) due to:
  - (a) A health condition (including treatment therefor, or recovery therefrom) lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that includes:
    - \* Treatment two or more times by, or under the supervision of, a health care provider; or
    - \* One treatment by a health care provider with continuing regimen of treatment; or
  - (b) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
  - (c) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (e.g. asthma or diabetes). A visit to a health care provider is not necessary for each absence.
  - (d) A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment.
  - (e) Any absences to receive multiple treatments for restorative surgery for a condition which would likely result in a period of

incapacity of more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

*Note: A bad cold or the flu, even if it requires absence from work or from school, will usually not rise to the level of a serious health condition under the FMLA.*

### **Amount of Basic Leave Entitlement:**

Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave in any twelve (12) month period for any of the FMLA-qualifying reasons outlined in this Policy. The actual amount of leave for which each eligible employee is entitled will depend upon the employee's normal work week. For example, eligible employees working five (5) days per week are entitled to sixty (60) days of leave in a 12-month period while employees who work only four (4) days per week are limited to forty-eight (48) days of FMLA leave.

### **Limitations as to Period in Which Leave May Be Taken:**

Leave taken in conjunction with the birth or placement of a son or daughter in adoption or foster care must conclude no later than twelve (12) months after the birth or placement.

### **Aggregation of Leave:**

Where both husband and wife are employed by Springfield Township, FMLA leave taken in conjunction with the birth or placement of a son or daughter in adoption or foster care or to care for a parent with a serious health condition will be limited to a combined total of up to 12 weeks.

Employees may not take more than a combined 26 weeks of FMLA leave in a single 12-month period.

## **2. Military Leave Entitlements:**

Pursuant to the Military Leave Entitlement, eligible employees are entitled to take leave for one or both of the following reasons:

- (1) To attend to qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on active duty or called to active duty status as a member of the Armed Forces in support of a contingency operation; or
- (2) To care for the employee's spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty.

**"Qualifying Exigency"** includes leave taken to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven or less calendar days prior to the date of deployment; leave taken to attend military events, ceremonies or programs, leave taken to arrange childcare; leave taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military; leave taken to attend meetings with staff at a school or a daycare facility, such as meetings with school officials regarding disciplinary

measures; leave taken to attend to financial and legal arrangements; leave taken to attend counseling; leave taken (up to 5 days) to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment; and leave taken to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements,

**“Next of Kin”** means the nearest blood relative to the servicemember – other than his/her spouse, parent, or child, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

#### **Amount of Military Leave Entitlement:**

Eligible employees are entitled to take up to twelve (12) weeks of FMLA leave in any twelve (12) month period to attend to qualifying exigencies arising out of the fact that the employee’s spouse, child, or parent is on active duty or called to active duty status.

Eligible employees are entitled to take up to twenty-six (26) weeks of FMLA leave in a single twelve (12) month period to care for the employee’s spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty.

The actual amount of leave for which each eligible employee is entitled will depend upon the employee’s normal work week. For example, eligible employees working five (5) days per week are entitled to sixty (60) or one hundred thirty (130) days of leave in a 12-month period while employees who work only four (4) days per week are limited to forty-eight (48) or one hundred four (104) days of FMLA leave (depending on which type of leave is used).

#### **Aggregation of Leave:**

Where both husband and wife are employed by Springfield Township, FMLA leave taken to care for the employee’s spouse, child, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness resulting from active duty will be limited to a combined total of up to 26 weeks.

Employees may not take more than a combined 26 weeks of FMLA leave in a single 12-month period.

#### **Intermittent Leave:**

FMLA Leave may be taken on a continuous basis (that is, a certain number of days or weeks in a row). Additionally, for leaves involving a serious health condition, when medically necessary, leaves may also be taken on an intermittent basis (that is, leave taken in separate blocks of time due to a single qualifying reason), or on a reduced schedule basis (that is, a leave schedule that reduces the usual number of hours per workweek or hours per day).

An employee requesting intermittent leave or leave on a reduced schedule must fulfill all of the obligations that are described in this document (e.g., the advance notice requirements, request for leave of absence forms, medical certification, etc.). The employee must also advise Springfield Township of the reasons why the intermittent/reduced schedule is necessary and of the schedule for treatment, if applicable. The employee and his/her supervisor must then attempt to work out a schedule, which meets the employee's needs without unduly disrupting Springfield Township's operations, subject to the approval of the health care provider.

Likewise, whenever the employee requests leave for planned medical treatment (whether on an intermittent reduced schedule, or continuous basis), the employee must consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to unduly disrupt Springfield Township's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their supervisors prior to the scheduling of treatment in order to work out a treatment schedule which best meets the needs of both Springfield Township and the employee.

Intermittent/reduced schedules are not available to employees taking leave due to the birth or care, or placement of a child for adoption or foster care.

### **Designation of Leave:**

Employees specifically applying for FMLA leave will be notified as soon as possible whether the leave has been approved. If the leave qualifies as FMLA leave, the employee requesting the leave will receive written confirmation of the leave approval.

At times, an employee may be absent under circumstances that would qualify as FMLA leave, even though the employee has not specifically applied for FMLA leave. Springfield Township has the right to designate such absences as FMLA leave. If an absence is designated as FMLA leave, the effected employee will receive written notice of the designation. Any employee not receiving notice that an absence has been designated as FMLA leave may assume that the absence will not be treated as FMLA leave.

### **Substitution of Paid Leave:**

In general, FMLA leave taken either under the Basic Leave Entitlement or the Military Leave Entitlement is unpaid.

However, Springfield Township requires that FMLA leave and qualifying paid and unpaid leaves of absence run concurrently, thereby allowing employees to be paid (to the maximum amounts reflected by their accrued, transferred, and applicable leaves) for some or all of their FMLA leave. Employees are required to substitute paid leave for unpaid FMLA leave as follows:

- (1) accrued vacation and personal leave shall be substituted for unpaid FMLA leave relating to birth, placement of a child for adoption or foster care; or to care for a spouse, child, or parent who has a serious health condition when such absence no longer qualifies for paid leave under the Township's Sick Leave Policy;
- (2) up to six (6) weeks (240 hours) of accrued and designated family leave shall be substituted for unpaid FMLA leave relating to birth taken by the employee giving birth;

- (3) up to five days (40 hours) of accrued and designated family leave shall be substituted for any unpaid FMLA leave relating to birth taken by an employee whose spouse has given birth;
- (4) accrued vacation, personal leave, and accrued and transferred sick leave shall be substituted for any unpaid FMLA leave taken due to an employee's own "serious health condition;"
- (5) accrued vacation, personal leave, and up to five days (40 hours) of accrued and/or transferred sick leave shall be substituted for any unpaid FMLA leave taken or for absences required to care for a family member if such absence is permitted by the Township's Sick Leave Policy. In the event that a period of sick leave longer than five days (40 hours) is approved for an absence to care for a family member, that period of sick leave shall be substituted for unpaid FMLA leave. In the event that all vacation, personal, holiday, and compensatory time, and five (5) days (40 hours) of sick leave have been exhausted, the Township Administrator may approve additional sick leave to care for a family member at the employee's advanced written request;
- (6) accrued vacation and personal leave shall be substituted for unpaid FMLA leave relating to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty in support of a contingency operation; or
- (7) accrued vacation, personal leave, and accrued and/or transferred sick leave shall be substituted for any unpaid FMLA leave taken to care for the employee's spouse, child, parent or next of kin who was seriously injured or became ill in the line of duty on active duty in the Armed Forces.

Once the employee has exhausted all of his/her accrued, transferred, and applicable leaves, the remainder of the FMLA leave, if any, shall be granted as an unpaid leave of absence.

**Concurrent Leaves:**

Springfield Township requires that both paid and unpaid leaves run concurrent with FMLA leave. For instance, FMLA leave shall run concurrently with any disability leave, accrued and transferred paid leaves as outlined above, and all unpaid leave of absence without pay (regardless of type).

Springfield Township further requires that absences due to the serious health condition of the employee that may have resulted from an injury on the job, and for which Workers' Compensation leave has been granted, run concurrent with FMLA leave.

The denial of a request for leave of absence without pay in no way reduces or limits an eligible employee's entitlement to up to twelve (12) weeks of Basic FMLA leave or up to twenty-six (26) weeks of Military FMLA leave.

**12-Month Period Determination:**

Effective May 13, 2002, the twelve (12) month period in which the twelve weeks of FMLA leave will be measured by shall be the twelve (12) month period measured forward from the date the employee's first FMLA leave began.

## **Notice Requirements:**

An employee needing leave is required to provide Springfield Township with notice of the need for leave. The employee must explain the reasons for needing leave so as to allow Springfield Township to determine that the reason for leave is for an FMLA-qualifying reason. If the employee fails to explain the reason, leave may be denied. Notice should include enough information to make Springfield Township aware that the employee needs FMLA-qualifying leave, and anticipated timing and duration of leave. Failure to provide timely notice may result in a delay in, or the denial of, the leave and/or cause the absence to be considered as unexcused, which will subject the employee to disciplinary action up to and including termination.

The employee should provide as much advance notice as possible so that Springfield Township can make appropriate arrangements to cover any work that needs to be performed in the employee's absence. The employee is also responsible for complying with any departmental rules regarding the reporting absences. The minimum amount of required notice under the FMLA is as follows:

### ***Foreseeable Leave -- At Least 30-Day Notice Required***

When the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment of the employee or the employee's spouse, child, or parent, the employee must provide Springfield Township at least thirty (30) days advance notice.

### ***Unforeseeable/Emergency Leave -- Notice Required As Soon As Practicable***

If thirty (30) days is not practicable (e.g., where the employee does not know when an expected leave will begin, or where there is a change in circumstances or a medical emergency), notice must be given as soon as practicable, ordinarily within one or two business days of when the need for leave becomes known to the employee. If the dates of leave are originally unknown, or if the dates of scheduled leave change or are extended, the employee is likewise responsible for giving notice as soon as practicable.

### ***Consequences for Failure to Provide Timely Notice***

Special rules apply when the employee fails to give advance notice of the need for leave and Springfield Township does not learn of the reason for the absence until the employee's return (e.g., where the employee was absent for only a brief period). In such circumstances, if Springfield Township does not designate the leave as FMLA leave and the employee desires it to be counted as FMLA leave, the employee must, within two business days after returning to work, notify Springfield Township that the leave was for an FMLA reason. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.

### **IMPORTANT!**

***Employees who fail to give advance notice of the need for FMLA leave and who desire to have their absence covered by FMLA must give Springfield Township sufficient information to justify FMLA leave by no later than two (2) days after they return to work following the absence.***

***Employees failing to provide such information within two (2) days will not have their absences covered as FMLA leave.***

**Reporting While on Leave:**

An employee taking FMLA leave is required to report periodically on his/her intent to return to work. The employee is also responsible for complying with any departmental rules regarding the reporting of absences.

**Extensions of FMLA Leave Beyond Anticipated Period:**

If an employee needs leave beyond the anticipated date originally provided for the ending of such leave, the employee must provide reasonable notice to Springfield Township as soon as possible and no later than within two business days after learning of the need for an extension of the leave.

**Early Return from Leave:**

If the employee is able to return to work earlier than expected, the employee must notify Springfield Township of this fact and the expected date of return to work no later than two days after the employee learns that he/she will be able to return to work earlier than expected.

**Leave of Absence Forms:**

Employees wishing to request leave under the FMLA must complete a Leave of Absence Form which is available at the Township Administrative Office.

**Initial Medical Certification:**

When the leave is foreseeable and at least thirty (30) days notice has been provided, the employee should submit the medical certification before leave begins. When this is not possible, or when the leave is not foreseeable or the employee has not provided thirty (30) days notice, the employee must submit the certification within fifteen (15) days after the employee is notified of the requirement to submit the certification, unless it is not practicable under the particular circumstances to do so despite the employee's diligent good faith efforts, in which case, the notice must be provided as soon as is reasonably possible under the particular facts and circumstances.

**IMPORTANT!**

***In the case of foreseeable leave, failure to submit a required medical certification within the 15-day period may result in a delay or in a denial of leave until the certification is provided, and may cause the employee's absence to be considered as unexcused, which will subject the employee to disciplinary action, up to and including termination.***

***In the case of leave that is not foreseeable, failure to provide a required medical certification within fifteen (15) days after the employee is notified of the requirement to submit the certification or within reasonable time under the pertinent circumstances, may result in a delay in or denial of the***

***employee's continuation of FMLA leave and may cause the absence to be considered as unexcused which will subject the employee to disciplinary action, up to and including termination. If the employee does not produce the certification, the leave may not be FMLA leave.***

**Recertification for Long-term Leave:**

Springfield Township may require recertifications of employees taking long periods of FMLA leave. However, Springfield Township will not request such recertifications more often than every thirty (30) days unless circumstances change significantly or there is reason to doubt the continuing validity of the initial certification.

**Return to Work Certification/Fitness for Duty Report:**

At the end of FMLA Leave, the employee may be required to complete, with his/her health care provider, a Return to Work Certification indicating that the employee is able to return to work and fit for duty. Prior to the end of the requested leave, employees should contact the Township Administrative Office to determine if such a certification is required to return to work from their FMLA Leave.

**Job Restoration Rights:**

An employee taking FMLA Leave must generally either be restored to his/her prior position or to an equivalent position in terms of pay, benefits, responsibilities, and authority. Job restoration may be denied where a job elimination has occurred that would have terminated the employee's job or placed him/her in a different job. Job restoration may also be denied to certain highly compensated employees if necessary to avoid substantial and grievous economic injury to the Township.

**Pay During Leave:**

Except for the utilization of earned and accrued paid leave required above, leave granted under the FMLA is unpaid.

**Benefits Protection:**

No employee will ever lose any employment benefit that the employee possessed prior to the start of his/her FMLA Leave as a result of utilizing that leave.

Earned benefits (e.g. seniority, vacation time, sick time) will not continue to be accrued during periods of unpaid FMLA leave.

For the duration of the FMLA Leave, Springfield Township must maintain the employee's medical insurance coverage in any "group health plan" as if the employee had continued working. In some cases, Springfield Township may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work at the expiration of his/her FMLA Leave.

**Other Employment Prohibited During FMLA Leave:**

Employees are prohibited from engaging in employment with other entities during any period of time for which FMLA leave has been granted except where the employee engaged in that employment prior to the time when his/her FMLA leave began and

where the employee would not otherwise violate Springfield Township's policies pertaining to employment during periods of sick leave.

Employees are prohibited from engaging in employment with other entities during any period of time for which unpaid FMLA leave has been granted

**Questions:**

Employees with questions concerning the FMLA are encouraged to contact the Human Resources Director.

**INTERPRETATION OF OR EXCEPTIONS TO THIS POLICY:**

The Human Resources Director and the Township Administrator are authorized to make interpretations of this policy. There shall be no exception to this policy.

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## MILITARY LEAVE

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**Effective Date:** January 1, 2000  
**Section:** 603

**Revised:** July 1, 2009

### **Introduction**

Springfield Township complies completely with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Ohio statutes pertaining to military leave.

The information listed below highlights Springfield Township's policy regarding the rights and obligations of employees and the Township pertaining to Military Leaves of Absence. This information is intended to be a short summary of lengthy Ohio and Federal regulations and the specifics of Springfield Township's policies pertaining to Military Leave. In any particular case, except where the Township has chosen a permitted option under the State and Federal regulations, the precise rights and obligations of employees and the Township, will be governed by the State and Federal regulations themselves.

### **Amount of Leave Permitted**

Qualifying employees who request a leave of absence to serve in the uniformed service are entitled to a military leave of absence for such time as they are in the military service on field training or active duty to the extent required by law (generally up to a cumulative total of 5 years). Unless precluded by military necessity, employees requesting such leave must provide advance, written notice of the need for such leave.

### **Qualifying Employees**

Full-time and part-time employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States, including the Ohio National Guard, and members of the armed forces of the United States are employees qualified to take a military leave of absence.

### **Pay During Military Leave of Absence**

Employees on military leave shall be paid as follows:

- a. For military leave of one month or less during any calendar year:
  - i. All employees shall be paid their normal daily wages for the days they are out for military service, up to a maximum of one hundred seventy-six (176) hours.

**Full-time Employees:** For full-time employees, their normal daily wages will be their hourly wage rate multiplied by eight (8).

**Part-Time Employees:** For part-time employees, their normal daily wage shall be calculated by determining the average monthly hours worked by the employee during the six (6) months prior to his/her first request for military leave and then dividing by twenty-

two (22). If a part-time employee has less than six (6) months of current work history, then the determination of the employee's normal daily wage wages shall be made using the average monthly hours of all other part-time employees in the same department as the employee during the six (6) months prior to the employee's first request for military leave. If there are no other such employees, then the determination of the employee's normal daily wage shall be made by the Township Administrator, using such methodology as he deems fair and appropriate.

- b. For military leave of longer than one month during any calendar year:

For their first month of military service, employees shall be paid as described above. After the first month of military service is paid as described above, no payment shall be made for any subsequent military services of less than one full (1) month. For each full month of military service, employees shall be paid the lesser of five hundred dollars (\$500) or the difference between the employee's one month's wages as an employee of Springfield Township and the amount of pay and allowances received that month as a member of the uniformed services.

Full-Time Employees: A full-time employee's one month's wages shall be calculated by multiplying the employee's hourly wage rate by one hundred seventy-six (176).

Part-Time Employees: For part-time employees, their one month's wages shall be calculated by multiplying the employee's hourly wage rate by the average monthly hours worked by the employee during the six (6) months prior to his/her first request for military leave. If a part-time employee has less than six (6) months of current work history, then the determination of the employee's normal daily wage wages shall be made using the average monthly hours of all other part-time or flexible schedule employees in the same department as the employee during the six (6) months prior to the employee's first request for military leave. If there are no other such employees, then the determination of the employee's normal daily wage shall be made by the Township Administrator, using such methodology as he deems fair and appropriate.

Nothing in this section shall require Springfield Township to pay any amount of wages (other than the one-month wage per calendar year outlined above) to any employee whose gross uniformed pay and allowances received in the relevant pay period exceeds the employee's gross wages as a Springfield Township employee.

### **Benefits Retained/Received While On Military Leave**

Employees on military leave who become reemployed after a period of military leave are entitled to the seniority benefits that the employee had on the date of the commencement of service in the uniformed services plus the additional seniority benefits that such employee would have attained if he/she had remained continuously employed.

Employees on military leave are entitled to such non-seniority rights and benefits while they are away on military service a they would be entitled if they were on a Leave of Absence without Pay pursuant to Section 601 of this Manual.

### **Continuation of Health Care Benefits**

Employees on military leave are entitled to a continuation of health care benefits as follows:

- a. For military leave of three (3) months or less during any calendar year:
  - i. All employees shall be entitled to a continuation of their health insurance benefits at the same costs and to the same extent as they would have been entitled had they not been absent on military leave.
- b. For military leave of greater than three (3) months:
  - i. All employees shall be entitled to a continuation of their health insurance benefits, at their election, for up to twenty-four (24) months. However, employees electing to maintain their health insurance benefits during this time are required to pay up to one hundred and two percent (102%) of the full premium for such insurance (even if Springfield Township would have paid the entire premium had the employee remained employed).

### **Return To Work After Completion Of Military Service**

So long as the employee remains qualified for the job to which he/she is assigned, employees returning from military leave shall be returned to the job the employee would have held had the employee remained continuously employed (including seniority benefits).

Employees returning from military leave after service of one (1) to thirty (30) days shall be expected to return to work no earlier than the beginning of the first regularly scheduled work period on the first full day following completion of their military service and expiration of an eight (8) hour rest period following safe transportation home.

Employees returning from military leave after service of thirty-one (31) to one hundred eighty (180) days must submit an application for reinstatement to the Township Administrator no later than fourteen (14) days after completion of their military service. (This deadline may be extended as required by law if the employee is convalescing due to an injury incurred during military service.) Employees who are reinstated shall be expected to return to work at the date and time established by the Township Administrator, which should be no later than two (2) weeks after receipt of the application for reinstatement.

Employees returning from military leave after service of one hundred eighty (180) days or longer must submit an application for reinstatement to the Township Administrator no later than ninety (90) days after completion of their military service. (This deadline may be extended as required by law if the employee is convalescing due to an injury incurred during military service.) Employees who are reinstated shall be expected to return to work at the date and time established by the Township Administrator, which should be no later than two (2) weeks after receipt of the application for reinstatement.