

**ARTICLE 26**

**MEDICAL LEAVE AND DISABILITY LEAVE**

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4-25-2018  
[Signature]

**26.01 ELIGIBILITY**

- A. Full-time permanent non-shift employees earn medical leave at the rate of one (1) work day per month starting the first full month of employment. Shift employees shall accrue medical leave at the rate of one day (12 hours) per month. For purposes of computation, one full 24-hour shift will be equal to two (2) 12-hour medical leave days.
- B. Medical leave may be taken as earned during the employee's probationary period.
- C. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Emergency Services Director that the physical condition of the employee is below the standard necessary for the proper performance of duties. Likewise, evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the Emergency Services Director. Employees suspected of abusing leave will be placed on notice and will be required to submit a doctor's note upon their return to work. Abuse of leave shall be defined as three occurrences in a 90 day period. For shift employees, each shift or partial shift that the employee is absent shall be an "occurrence."

**26.02 EARNING OF MEDICAL LEAVE**

An employee on medical leave for more than fifteen (15) consecutive working days shall not accrue medical leave for that period of time.

**26.03 ACCRUAL**

- A. For employees hired before the beginning of the first pay period after Union ratification and County approval of this Agreement, medical leave may be accumulated for a total of no more than one hundred (100) days at the employee's anniversary date.

- B. For employees hired on or after the beginning of the first pay period after Union ratification and County approval of this Agreement, medical leave shall not exceed fifty (50) days at any time.

#### 26.04 USE OF MEDICAL LEAVE

##### MEDICAL LEAVE MAY BE GRANTED FOR THE FOLLOWING PURPOSES:

- A. Personal injury, pregnancy or illness not connected with work.
- B. Medical, dental, optical or chiropractic examination or treatment. (Refer to "D" for members of employee's family.)
- C. Exposure to a contagious disease which would endanger others.
- D. Illness of a member of the employee's immediate family who lives permanently in the same domicile which requires the personal care and attention of the employee. No more than five (5) working days a year may be taken for this purpose without approval of the Director of Emergency Services (see definition of immediate family in Article 24).
- E. Events in accordance with the Family and Medical Leave Act of 1993.

#### 26.05 REQUEST FOR LEAVE

- A. To receive compensation while absent on medical leave, the employee shall notify the employee's immediate supervisor or Emergency Services Director prior to or as soon as possible after time set for beginning the daily duties. An employee in a unit operating on a twenty-four (24) hour basis must notify the department within the time limit established by the Director of Emergency Services.
- B. Medical leave used adjacent to any other approved leave will not be authorized unless the employee submits medical certification at least 24 hours prior to reporting for work.
- C. Use of medical leave in the last 30 days of employment with the County shall not be permitted unless approved by the Emergency Services Director or his designee.
- D. Any request for scheduled medical leave authorized under Article 26.04 (B) shall be requested 72 hours in advance.

- B. Employees hired prior to the beginning of the first pay period after Union ratification and County approval of this Agreement shall receive 100% of the base rate of pay for all unused medical leave, up to a maximum of one hundred (100) days, upon retirement in accordance with existing retirement plans or death.

26.10 Disability leave with pay shall be provided by the Employer on the following basis:

- A. The disability resulted from an injury or an illness sustained directly in the performance of the employee's work, as provided in the State Workers' Compensation Act.
- B. If incapacitated for his or her regular position, the employee may be given other duties with the Fire Service for the period of recuperation, provided the employee's medical condition permits. Unwillingness to accept such an assignment as directed by the Director of Emergency Services will make the employee ineligible for disability leave during the time involved.
- C. A physician selected by the County may be used to determine the physical ability of the employee to continue on disability leave or to return to work.
- D. Except as may be modified by Article 26.11, if the disability leave is approved, the first seven (7) days of the leave will be charged to the employee's medical leave or the annual leave account. After the first seven (7) days, the employee will be entitled to normal Workers' Compensation only, unless the employee elects to supplement such Workers' Compensation benefits with any accrued medical or annual leave he or she may have. In no case shall the employee's total compensation from county pay and Workers' Compensation exceed his or her normal compensation.
- E. No new medical leave shall be accumulated during the period an employee is off the job due to injury.

- F. At any time during the period of disability, any case may, upon request, be reviewed by an authorized County physician who shall provide the Director of Emergency Services with an assessment on the likelihood of the employee returning to work.
- 26.11 In the event of a combat injury, generally defined as occurring from the point of alarm to the return to station, an employee will be paid an amount equal to the employee's normal earnings by use of District funds or a combination of District funds and Workers' Compensation without charge to the employee's medical or annual leave. This coverage will be extended to other hazardous activities, if approved by the Director of Emergency Services, after a request for approval of such paid disability has been made by the union president. The Director's approval shall not be unreasonably withheld.
- 26.12 Bargaining unit employees shall not be entitled to light or restricted duty for non-duty related illness, injury, or condition (~~such as~~ not including pregnancy), except as required by applicable law.
- 26.13 Bargaining unit employees shall be eligible for Family and Medical Leave, in accordance with, and under the terms of, the Family and Medical Leave Act of 1993 (FMLA). FMLA leave shall run concurrently with all other paid and unpaid leave for FMLA-qualifying absences, and all absences from work for FMLA-qualifying reasons, whether paid or unpaid, will be charged against the employees' FMLA leave allotment. Employees on Family and Medical Leave are required to use all paid leaves before going on leave without pay.