



## Notice of Employee Eligibility and Rights and Responsibilities

If your leave qualifies for FMLA and/or OFLA leave, you will have the following rights and responsibilities:

**Leave Entitlement:** Effective on the first day of your leave, time taken under protected leave laws are counted against your leave entitlement. Under FMLA, you are entitled to 12 weeks of protected leave in a rolling 12-month period. The county uses a “rolling forward” leave year. This “rolling forward” leave year is defined as “a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave commences.” Leave protections that qualify under more than one type of protected leave will run concurrently. Leave entitlements under OFLA and Paid Leave Oregon (PLO) may provide additional leave entitlements based on the leave reason. Employees are advised to consult with PLO when applying for protected leave to determine if taking of protected leave affects a paid medical leave benefit entitlement.

**Use of Accrued Leave:** Per Deschutes County Leave Policy HR-14, and collective bargaining agreements, you will be required to use your paid accruals (time management, sick, vacation, etc.) during your FMLA/ OFLA leave. This means you will use your paid leave (time management, sick, vacation, etc.) and that such leave will also be considered protected under the FMLA/OFLA leave statues and counted against your protected leave entitlement. The requirement to use paid accruals is not applicable in compensable workers’ compensation cases. Use of accrued leave is optional if you apply and are approved for PLO benefits.

**Benefits:** Your health insurance coverage will continue, provided that you continue to contribute your portion of the premiums. Premiums will be deducted through normal payroll deduction when available. An employee who is in leave without pay status during FMLA/OFLA/PLO leave may agree in writing to have missed health insurance deductions taken from future paychecks upon their return from FMLA leave. Alternatively, the employee may self-pay their portion of health insurance premiums directly to the county during the leave period. Employee-paid optional benefit premiums may also be continued in the same manner.

For additional information pertaining to Benefits while on protected leave, please contact County benefits staff at [benefits@deschutes.org](mailto:benefits@deschutes.org) or by phone at (541) 317-3117 or (541) 317-3154.

**Medical Certification:** In order to determine whether an employee’s absence qualifies for protected leave under the FMLA and OFLA leave laws, you may be required to provide a medical certification from a qualified health care provider within 15 calendar days of the receipt of your notice for eligibility to take protected leave. It is the employees’ responsibility to ensure a complete and sufficient medical certification is returned to Human Resources within the designated timeframe.

While on approved FMLA or OFLA leave, you may be required to furnish additional medical certifications for ongoing or continuous medical condition if requested by Human Resources. The interval between re-certifying will not be less than 30 days, and no longer than 12 months, unless the circumstances for your leave have changed significantly, or the taking of your intermittent leave varies widely from your health care provider’s estimated absence frequency. Failure to provide a complete and sufficient Medical Certification may result in

your leave being denied. Any medical-related absences where protected leave has been denied or exhausted are not protected under the leave statutes. The county may treat such absences as unscheduled under the County's Leave Policy HR-14.

**Periodic Check In:** While on leave, you may be required to check in periodically with your supervisor. You should provide information on your status, any change in circumstances, and if out for a continuous block of time, your intent to return work.

**Status Changes:** You are required to notify your supervisor, as well as Human Resources, if the status of your leave requirements changes. Status changes may include, but are not limited to: a need for continuous leave while on approved intermittent leave; a need for more intermittent leave than the amount currently approved; or a need for leave beyond the current approved end date. If you are on approved FMLA/OFLA leave and no longer require time off for the approved reason, please contact Benefits staff in Human Resources to close your leave request.

**Leave Reporting:** If your FMLA/OFLA/PLO leave request is approved, you will be required to code any FMLA/OFLA/PLO leave taken on your timesheet so that your leave entitlement can be tracked accurately. You are responsible for the accuracy of your timesheet coding. If you are on a continuous leave, your supervisor may code your timesheet during your absence period. Human Resources will supply applicable codes to use during your leave period.

**Return to Work:** If the status of your situation changes and you do not anticipate returning on your scheduled return date, you are expected to notify your supervisor and Benefits staff in Human Resources as soon as possible. Any additional leave must be preapproved. When you return, a Release to Return to Work may be required to ensure you are medically able to perform the essential functions of your position.

**Reinstatement Rights:** Upon returning from protected leave, you have the following reinstatement rights:

- **FMLA:** You must be reinstated to either the same position held when leave began or to an equivalent Position, providing that you still meet the requirements of your position. An equivalent position is one that is virtually the same as the employee's former position in terms of pay, benefits, and working conditions and must involve the same or substantially similar duties and responsibilities. At the end of your FMLA, all benefits must also be resumed in the same manner and at the same level provided when the leave began. You do not have return-to-work rights under the FMLA if you need leave beyond the amount of FMLA leave you have available to use.
- **OFLA:** You must be reinstated to the position held when his/her leave began, unless you no longer meet the requirements of your position. If you remain on leave after exhausting your protected leave entitlement (FMLA/OFLA), you will not have the reinstatement rights.
- **PLO:** Job protections are available to employees taking paid leave if they have been employed for at least 90 calendar days. When an employee returns to work from paid leave, they are entitled to the position they held before the start of the leave, if that position still exists.

Please contact Human Resources at [hr@deschutes.org](mailto:hr@deschutes.org) or call (541) 317-3117 or (541) 388-6553 if you have any questions regarding your Rights and Responsibilities under FMLA/OFLA protected leaves.