

# Human Resources Policy Bulletin

## Lancaster County

Number: 2023-3

Date: August 1, 2023

Reference:	Title:
	Protected Family Leave

### I. PURPOSE

This purpose of this policy is to provide unpaid job protected leave time for spouses employed by Lancaster County who exhaust Family Medical Leave and/or Paid Parental Leave for the birth, placement, care or bonding of a child within the first year of the child's birth or placement.

### II. ELIGIBILITY

Spouses who are both employed by Lancaster County and request leave for the birth, placement, care or bonding of a child within the first year after birth or placement, as well as have both been employed for at least 12-months and have worked at least 1,250 hours during the preceding 12-month leave period.

### III. PROTECTED FAMILY LEAVE

- A. Protected Family Leave. If spouses both work for Lancaster County and request leave for the birth, placement, care or bonding of a child within the first year after birth or placement, each spouse will be eligible for up to 12 workweeks of unpaid job protected leave in a 12-month period. The 12 workweeks will include a combination of approved Family Medical Leave, Paid Parental Leave, and Protected Family Leave. Family Medical Leave and Paid Parental Leave must be exhausted prior to using Protected Family Leave.
- B. Effect on Paid Leaves. Protected Family Leave will run concurrently with paid leaves (sick leave, personal holidays, and vacation, accrued and banked). Following the exhaustion of paid leave, any remaining Protected Family Leave will be unpaid.
- C. Application and Eligibility. The FMLA application each employee submits to the Human Resources Leave Manager will be used to request Protected Family Leave. If each spouse qualifies for FMLA leave, the spouses qualify for Protected Family Leave.
- D. Types and Duration of Leave. Protected Family Leave may be taken on a continual leave schedule or an intermittent/reduced leave schedule, based on the qualifying

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employees' family need. Intermittent/reduced leave must be approved by the Department Head.

- E. Benefits During Leave. During a period of Protected Family Leave, an employee will be retained on the employer's health and dental care plans under the same conditions that applied before leave was commenced. To continue health and dental coverage, the employee must continue to make any contributions the employee made to the plan before taking leave. Failure of the employee to pay the employee share of the health or dental care monthly cost may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse Lancaster County for payment of health/dental care monthly costs incurred during the Protected Family Leave, unless the reason the employee fails to return is the presence of the serious health condition which prevents the employee from performing their job, or other circumstances beyond the control of the employee.

- F. Return to Work. Upon an employee's return to work, an employee may be required to complete a "Notice of Intention to Return to Work" form before the employee can be returned to active status. These forms may be obtained from Human Resources. Notification must be given to the Human Resources Leave Manager as well as notice to the Department Head at least 2 working days prior to the employee's planned return.
- G. Failure to Return From Leave. The failure of an employee to return to work upon the expiration of Protected Family Leave will be considered a resignation unless an extension is granted, other leave is required by applicable law, or other paid leave is available and approved for use. In no circumstances will an extension beyond the 12-week period authorized be granted, unless other leave is required by applicable law or other paid leave is available and approved for use.

## IV. CONTINUOUS SERVICE

Any update to eligibility dates for absences related to a Protected Family Leave event shall be governed by County Personnel Rule 19.12.

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## V. DURATION OF POLICY

This policy is effective beginning August 1, 2023 and can be terminated by the County Board of Commissioners at any time.

  
Barb McIntyre  
Human Resources Director

7/10/2023  
Date

  
Chair  
Board of County Commissioners

7/7/2023  
Date