



<b>TITLE:</b> Protected Leave		<b>PROCEDURE #:</b> 305-A
<b>DEPT:</b> Human Resources		<b>PROGRAM:</b> Benefits
<b>EFFECTIVE:</b> 11/05	<b>REVIEWED:</b>	<b>REVISED:</b> 8/23

**OBJECTIVE:** To establish procedures for administering the county's protected leave program.

**REFERENCE:** Policy # 305

**POLICY STATEMENT:** Marion County provides protected leave for qualifying employees in the form of family, medical, domestic violence, and military leave in conformance with the Family and Medical Leave Act (FMLA), Oregon Family Medical Leave Act (OFLA), Oregon Victims of Certain Crimes Leave Act (OVCCCLA), Oregon Military Family Leave Act (OMFLA), Paid Leave Oregon (PLO) and The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

**APPLICABILITY:** All county employees.

**PROCEDURES:**

1. These procedures cover most situations for which Marion County designates protected leave. For assistance regarding specific situations or to access leave related forms, contact Marion County Human Resources.
2. Marion County does not designate or approve claims for Paid Leave Oregon.
3. Marion County designates protected leaves based on qualifying conditions, regardless of whether the employee has leave accruals to cover the absence or whether the employee requests protected leave.
4. Initiating Protected Leave:
  - 4.1. Any foreseen or unforeseen absence may signify a situation that qualifies an employee under the protected leave policy. Policy 305, Section 1.2 outlines qualifying conditions for protected leave status.
  - 4.2. Initiation of protected leave status eligibility may be requested by:
    - 4.2.1. Human Resources;
    - 4.2.2. Employee involved in the absence(s), or employee's designee; or
    - 4.2.3. Department representative or supervisor where employee is assigned.

5. Determining Protected Leave Eligibility:

- 5.1. The leave administrator will provide a packet to the employee within five working days of request for eligibility determination or circumstance.
- 5.2. The forms included will be based on the circumstances for which eligibility is being determined.
- 5.3. Components of an employee packet for determining protected leave eligibility may include some of, but is not limited to, the following:
  - 5.3.1. Cover letter explaining the employee's rights and responsibilities
  - 5.3.2. Notice of rights and responsibilities
  - 5.3.3. Administrative Policy 305
  - 5.3.4. Protected Leave Request Form with HIPAA Release
  - 5.3.5. Certification of Health Care Provider, Kaiser ROI Form or Certification of Exigency Form
  - 5.3.6. Sick Leave Retention Request Form
  - 5.3.7. Medical Release to Return to Work Form
  - 5.3.8. PLO Compensation Acknowledgement Form
  - 5.3.9. STD Compensation Acknowledgement Form

6. Submission of Documentation:

- 6.1. If medical certification, or other supporting documentation, has been requested the employee is required to complete and return documentation to the leave administrator within 15 calendar days of the date of the letter included in the packet.
- 6.2. Employees who are receiving Paid Leave Oregon benefits are required to turn in a PLO Compensation Acknowledgement Form to the HR Leave Administrator. This form is used to accept or decline supplementing your PLO benefit with your personal accruals. Employees who are receiving Paid Leave Oregon benefits and wish to supplement with their personal accruals, must provide a copy of the approval letter they receive from Paid Leave Oregon, or the Oregon Employment Department, which shows their benefit amount to the HR Leave Administrator.
- 6.3. Employees who are receiving Marion County sponsored short-term disability (STD) benefits are required to turn in a STD Compensation Acknowledgement Form to the HR Leave Administrator. This form is used to accept or decline supplementing your STD benefit with your personal accruals.
- 6.4. In the event of a personal medical injury in which the employee would be unable to complete the necessary forms, the employee's designee may complete the forms.
- 6.5. Upon receiving and reviewing the required and completed documents, the leave administrator will proceed with their review.

7. Protected Leave Status Designation:

- 7.1. The designation of leave will be determined by the leave administrator within five working days after receipt of completed documentation..
- 7.2. The leave administrator will notify the employee of the designation of leave and its parameters.
- 7.3. If approval is granted, the employee will work with the leave administrator, department representative, or supervisor to track protected leave hours and provide updated documentation as appropriate.

## ATTACHMENT A

### Overview of the Protected Leave Process by Qualifying Purposes for Leave

The information below is a general overview of the protected leave process. For complete information related to your specific situations, contact the HR leave administrator (503) 566-3999 or your HR business partner.

