



Board of County Commissioners Agenda Request

2W
Agenda Item #

Requested Meeting Date: October 28, 2025

Title of Item: Policy Update - Family and Medical Leave Act (FMLA) Policy - eff. 1/1/2026

☐ REGULAR AGENDA ☒ CONSENT AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Hold Public Hearing <i>*provide copy of hearing notice that was published</i>	☐ Direction Requested ☐ Discussion Item ☐ Information Only
Submitted by: Bobbie Danielson, HR Director		Department: Human Resources Dept.
Presenter (Name and Title): n/a		Estimated Time Needed: n/a
Summary of Issue: As we prepare for the implementation of the State's PFML program on January 1, 2026, our leave policies are being reviewed and updated. Please find an updated FMLA policy attached. We have streamlined this policy to make it more concise. Our current FMLA tracking methodology is well-established, and we plan to continue using it in 2026. We will closely monitor how this method aligns with the State's new PFML tracking method. If we encounter any difficulties or unanticipated challenges between the two tracking systems, we may request to amend our tracking methodology in 2027 to mirror the State's new PFML system. This updated policy replaces all prior FMLA policies, effective January 1, 2026. FMLA policy updates have been discussed with department heads and the personnel committee in recent months.		
Alternatives, Options, Effects on Others/Comments: 		
Recommended Action/Motion: Motion to approve the updated FMLA policy, effective 1/1/2026.		
Financial Impact: <i>Is there a cost associated with this request?</i> <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>		

Aitkin County

Family & Medical Leave (FMLA) Policy

Effective Date: January 1, 2026

1. Purpose

This policy implements the federal Family and Medical Leave Act (FMLA) as codified at 29 U.S.C. § 2601 et seq. The purpose of the FMLA is to enable eligible employees to take unpaid, job-protected leave for specified family and medical reasons, while maintaining health benefits during the leave period. This policy explains how employees may request and use FMLA leave, how the employer calculates leave entitlement under a “rolling 12-month period measured backward” method, and the rights and responsibilities of both employees and the employer.

2. Eligibility

To be eligible for FMLA leave under this policy, an employee must meet all of the following criteria:

- a. The employee has been employed by Aitkin County for at least 12 months (which need not be consecutive).
- b. The employee has worked at least 1,250 hours during the 12-month period immediately preceding the date the leave begins.
- c. The employee works at a location where Aitkin County employs 50 or more employees within 75 miles of that worksite.

3. Qualifying Reasons for FMLA Leave

Eligible employees may take FMLA leave for any of the following reasons:

- a. The birth of a child and to bond with the newborn child within 12 months of the birth.
- b. The placement of a child for adoption or foster care and to bond with that child within 12 months of the placement.
- c. To care for the employee’s spouse, son, daughter, or parent who has a serious health condition.
- d. The employee’s own serious health condition that renders the employee unable to perform the essential functions of his/her job.
- e. Qualifying exigencies arising from the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty).
- f. Up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness.

4. Amount of Leave and the Rolling 12-Month Measurement Method

- a. Eligible employees are entitled to a total of 12 workweeks of FMLA leave during any 12-month period (or up to 26 workweeks for the service-member caregiver leave described above).
- b. Aitkin County uses a **rolling 12-month period measured backward** from the date an employee uses any FMLA leave. Each time an employee requests leave, Aitkin County will look back from the date the leave would commence and count the amount of FMLA leave the employee has used during the immediately preceding 12 months. The amount remaining (if any) of the 12-week (or 26-week) entitlement is the amount the employee may use.
- c. Once the employee either exhausts the 12 weeks (or 26 weeks) or reaches the end of the rolling 12-month look-back period, any further leave qualifies only once another 12-month period has passed so that leave in the past 12 months falls outside the look-back window.

5. Application for Leave and Notice Requirements

- a. Employees seeking FMLA leave for a foreseeable condition (such as planned birth/adoption or planned medical treatment) must provide at least 30 days' advance notice, or as soon as practicable when the leave is unforeseeable.
 - b. Employees must follow Aitkin County's regular call-in procedures when they need to take FMLA leave unexpectedly.
 - c. Aitkin County may require employees to provide sufficient information to determine whether the leave qualifies under FMLA, including medical certification, and must notify the employee whether the leave will be designated as FMLA within 5 business days of receiving sufficient information.
- D. FMLA runs concurrent with accrued PTO, Personal Leave, Extended Sick Leave, ESST, Minnesota Parental Leave Act, Paid Family and Medical Leave (PFML), and any other applicable leaves.

6. Intermittent or Reduced Schedule Leave

- a. FMLA leave may be taken intermittently or on a reduced-schedule basis when medically necessary for the serious health condition of the employee or a covered family member.
- b. FMLA leave may not be taken intermittently for the birth/adoption/foster placement of a child, unless beneficial for business continuity purposes as determined by the department head.
- b. When leave is taken intermittently or on a reduced schedule, the actual time off will be counted toward the 12-week (or 26-week) entitlement under the rolling 12-month period as described in Section 4.

7. Use of Paid Leave

- a. Aitkin County requires employees to substitute accrued paid leave (such as PTO, Personal Leave, or extended sick leave) for unpaid FMLA leave to the extent permitted by County policy and applicable law. Such paid leave will run concurrently with FMLA leave and count toward the 12-week (or 26-week) entitlement.
- b. When an employee has accrued paid leave but chooses not to use it (for example, if state PFML allows accrued time use to be voluntary), any part of the FMLA leave not covered by paid leave will be unpaid.

8. Maintenance of Health Benefits & Job Restoration

- a. During FMLA leave, Aitkin County will maintain the employee's group health insurance coverage on the same terms as if the employee had remained actively employed. The employee is responsible for his/her portion of insurance premiums.
- b. Before returning to work, employees on leave for their own serious health condition must submit a Report of Workability (ROW) from their healthcare provider and work with Human Resources to review and clear any work restrictions.
- c. Upon return from FMLA leave, the employee will be restored to the same position held prior to the leave, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.
- d. Examples of equivalent position: similar job duties, similar status, same pay, same benefits, similar shift and location, subject to legitimate business needs unrelated to taking FMLA leave.

9. Failure to Return From Leave

If the employee fails to return from FMLA leave after the period of leave expires (other than for a reason protected by the FMLA, or because the employee is unable to return due to a serious health condition or other protected reason), then Aitkin County may require reimbursement of health-insurance premiums it paid on the employee's behalf during the leave.

10. Recordkeeping and Confidentiality

Aitkin County will maintain records of FMLA leave usage for each eligible employee, including the dates and hours of leave taken, the reason for leave, and any required certification. These records will be treated as confidential and maintained separately from the employee's regular personnel file.

11. Compliance and Non-Retaliation

Aitkin County will comply with all provisions of the FMLA and applicable regulations. Employees will not be retaliated against for exercising rights under FMLA, for filing a complaint, or for cooperating in an investigation of a FMLA claim.

12. Policy Review and Amendments

Aitkin County reserves the right to amend or revise this policy at any time in order to comply with changes in federal, state, or local law, or for administrative purposes. Employees will be given notice of any changes.