

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing provisions relating to family and medical leave at 5.270.

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing provisions relating to family and medical leave at 5.270.

WHEREAS:

A. The Washoe County Board of County Commissioners desires to amend the Washoe County Code at Chapter 5 (Administration and Personnel) by repealing provisions relating to family and medical leave at 5.270.

B. Business Impact Statement: No business impact.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 5.270 of the Washoe County Code is hereby repealed.

~~5.270 Leave of absence under the Family and Medical Leave Act.
1. Pursuant to the provisions of the Family and Medical Leave Act (FMLA), an eligible employee may take up to 12 weeks of unpaid, job-protected leave during any 12 month period for certain family or medical reasons as provided herein. An employee is eligible if he or she has worked for the county for~~

~~at least 1 year, and for 1,250 hours over the previous 12 months.~~

~~— 2. Unpaid leave may be granted to an eligible employee for any of the following reasons:~~

~~— (a) For birth and to care for the employee's child after birth, or placement with the employee of a child for adoption for foster care. Leave must occur within the first year after the event. If both husband and wife are employed by the county, leave is limited to a combined total of 12 work weeks in any 12 month period. Leave may be granted on a continual basis, or if the department head agrees, intermittently or on a reduced leave schedule;~~

~~— (b) To care for the employee's spouse, child, or parent, who has a serious health condition. Serious health condition means an illness, injury, impairment, or physical or mental condition as defined by the FMLA. The county requires an employee to provide medical certification of the serious health condition from the health care provider. Leave may be granted on a continual basis, or intermittent basis if medically necessary. For purposes of this paragraph:~~

~~— (1) Child includes biological, adopted, stepchild, foster child, legal ward, or child of a person standing in loco parentis.~~

~~— (2) Parent includes biological parent or a person who stood in loco parentis when the employee was a child. The term parent does not include parents in law. Persons in loco parentis include those with day to day responsibilities to care for and provide financial support to a child, and need not have a biological or legal relationship.~~

~~— (c) Where an employee's serious health condition as defined by the FMLA, makes the employee unable to perform his or her essential job functions. The county requires an employee to provide medical certification of the serious health condition from the employee's health care provider.~~

~~— 3. An employee's health coverage under the appropriate group health plan will be maintained by the county for the duration of the unpaid leave provided in subsection 2 above on the same terms as if the employee was at work. The employee is responsible for the appropriate dependent premium for the maintenance of dependent coverage.~~

~~— 4. An employee returning from unpaid leave as provided in subsection 2 above will be restored to his or her original or an equivalent position with equivalent pay, benefits, and other employment terms upon return from FMLA leave.~~

~~— 5. Leave taken pursuant to this section will be reported and charged against an employee's annual FMLA leave entitlement. Appropriate forms must be completed by an employee and health~~

~~care provider, and submitted to the department head and the department of human resources for review and approval.~~

~~6. This section shall be effective on January, 1, 2006.~~

~~7. This section shall be construed in accordance with the provisions of the Family and Medical Leave Act and the regulations promulgated thereunder.~~

~~['3, Ord. No. 882; A Ord. Nos. 1060, 1280 eff. 12-23-05]~~

SECTION 2. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Effective Date of Repeal:

This ordinance was repealed on _____ by
Commissioner _____.

This ordinance was repealed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

This ordinance shall be published and repealed immediately upon the date of the second publication as set forth in NRS 244.100.

Chairperson
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk