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STATE OF NEVADA
COUNTY OF WASHOE

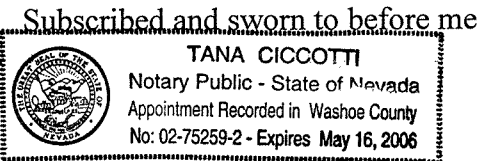
ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **12/16/2005 - 12/23/2005**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____

Julia Ketcham

DEC 27 2005



Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1280 NOTICE IS HEREBY GIVEN THAT: Bill No. 1458, Ordinance No. 1280 entitled "An ordinance amending various provisions of Chapter 5 of the Washoe County Code to amend the method for determining the 12-month period under the Family Medical Leave Act (FMLA), provide a 60-day notification to all employees of the change from a calendar year to any 12-month period, and update the Washoe County Family and Medical Leave Policy to include changing the method for tracking 12 weeks of leave during any 12-month period." was adopted on December 13, 2005 by Commissioners Galloway, Humke, Larkin, and Weber. Commissioner Sferrazza was absent. This ordinance shall be in full force and effect from and after December 23, 2005. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street Reno, Nevada, and can be found on the County Clerk's website, www.washoecounty.us/clerks. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 166151 December 16, 23, 2005

SUMMARY: An ordinance amending Washoe County Code by revising the method utilized by Washoe County to calculate employee time pursuant to the FMLA.

BILL NO. 1458

ORDINANCE NO. 1280

An Ordinance Amending Various Provisions of Chapter 5 of the Washoe County Code to Amend the Method for Determining the 12-Month Period Under the Family Medical Leave Act (FMLA), Provide a 60-Day Notification To All Employees of the Change From a Calendar Year to Any 12-Month Period, and Update the Washoe County Family and Medical Leave Policy to Include Changing the Method for Tracking 12 Weeks of Leave During Any 12-Month Period.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 5.270 of the Washoe County Code is hereby amended to read as follows:

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.

05-1308

1280

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.

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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
[S3, Ord. No. 882; A Ord. No. 1060]

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 8th day of November, 2005.
Proposed by Commissioner Larkin.
Passed on the 13th day of December, 2005.

Vote:

Ayes: Galloway, Humke, Larkin & Weber

Nays: (None)

Absent: Sferrazza

Bonnie Heber

Chairman
Washoe County Commission

ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 23rd day of December, 2005.

OS-13008