



POLICY AND PROCEDURE MEMO

SUBJECT:

FAMILY MEDICAL LEAVE

NO. 2.003

DATE: 6-5-13 Approved

D. W. Fritzsche

CITY MANAGER

I. STATEMENT:

Eligibility/Notice

Employees who have worked for the City for a minimum of one year, and have worked 1,250 hours or more during the twelve months prior to requesting leave, are eligible for family and medical leave under the federal Family and Medical Leave Act (FMLA).

II. PROCEDURE

Eligible employees may take up to 12 weeks of unpaid leave within a "rolling" twelve month period measured backward from the date an employee uses FMLA leave for:

- The birth and care of the employee's newborn child (must be used within first 12 months);
- Adoption or foster placement of a child (must be used within first 12 months);
- To care for a child, parent or spouse with a serious health condition, or for the employee's own serious health condition;
- Qualifying exigency leave for an employee whose spouse, child or parent is in the Regular Armed Forces or a member of the National Guard and Reserves who is on covered active duty or call to covered active duty status as defined in the FMLA regulations.

Employees who meet the eligibility requirements above are also eligible for military caregiver leave of up to 26 weeks in a separate 12-month period to care for a spouse, child, parent or next of kin of a service member (or covered veteran) with a serious injury or illness. This leave is calculated from the first day that leave is taken for this purpose and does not track the City's designated 12-month FMLA tracking period described above. Any military caregiver that is not taken within the specific 12-month period is forfeited. This leave period may overlap with the usual 12-month leave period above, and in certain circumstances, this may impact the employee's eligibility to take other types of FMLA leave.



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Employees must provide the City with thirty (30) days' advance written notice of the need for FMLA leave, or provide notice as soon as possible after leave time is taken if under emergency circumstances

In the event that an employee does not meet the FMLA eligibility criteria he/she may apply for a regular leave of absence without pay which shall be considered by the City Manager upon the Department Head's recommendation. The decision to grant or deny such request shall be at the discretion of the City Manager.

If an employee is out on disability leave that also qualifies under FMLA, the City shall concurrently designate the first twelve (12) weeks of such leave as FMLA leave.

Intermittent or Reduced Leave Employees may take leave intermittently or on a reduced work schedule if medically necessary in the event of his/her own or a family member's serious health condition. Intermittent leave or a reduced work schedule may be taken for the birth or placement of a child by adoption or foster care only with management approval. If leave is required on an intermittent or reduced work schedule basis for foreseeable medical treatment, the employee may be required to schedule time off to cause the least disruption to the work flow and may also be required to transfer temporarily to a similar position that would more easily accommodate an intermittent leave.

Certification A DOL Certification of Health Care Provider Form (WH-380F) will be required in order to take FMLA for an employee's own serious health condition, the serious health condition of a covered family member, or for military caregiver leave.

Prior to returning to work from FMLA leave after absences of a week or longer, each employee shall be required to present medical certification attesting to the employee's fitness for, and ability to, return to work and resume their job duties.

Both Spouses Employed by the City If the City employs both spouses, they are jointly entitled to a combined total of twelve (12) weeks of leave for the birth of their child; placement of a child by adoption or foster care; or to care for an employee's parent with a serious health condition.



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If leave is required for an employee's own serious health condition, or to care for a child or spouse with a serious health condition, each employee will be entitled to the remainder of their twelve (12) weeks of FMLA leave.

Use of Paid Time-Off Benefits Employees shall concurrently use applicable paid accrued leave such as sick, vacation or personal leave during their FMLA leave of absence. If the employee exhausts these accrued leave benefits, the remainder of the FMLA leave will be without pay.

Employee Benefits Health care benefits will be continued during this leave. During any paid portion of the leave the employee's share shall be deducted from the compensation received. During any unpaid leave the employee will be responsible for paying his/her portion of the premiums. If the employee's share of the premium is not paid within thirty (30) days after it is due, the City may cease providing its share of the premium until the employee returns to work or alternate payment arrangements are agreed to by the City and the employee. If an employee terminates his/her employment following the FMLA leave, he/she shall be required to repay the City's portion of the premium payment unless he/she does not return due to the continuation, recurrence or onset of a serious health issue.

Although the law does not require any further benefits during an FMLA leave, the City has decided to allow employees to continue to accrue paid leave benefits that would have become available in their job position during their FMLA leave. After the FMLA leave concludes there shall be no further benefit accrual.

Job Restoration In most cases, upon returning from leave, the employee will be restored to the same or a similar position.

Problem Resolution Employees who have questions about FMLA and how the policy is applied should contact Human Resources.

-END OF PROCEDURE-