

## **Family and Medical Leave Act Policy**

### **City of Dunedin**

**PURPOSE:** To administer a fair and equitable Family and Medical Leave Policy which adheres to all requirements under the Family and Medical Leave Act (FMLA) of 1993 and coordinates with other City leave policies.

**POLICY:** This policy is governed by and will be enforced pursuant to the Family and Medical Leave Act of 1993. Under this policy, the City provides eligible employees with:

- 1) up to 12 workweeks of job protected leave in a 12-month period for certain family and medical reasons; or
- 2) up to 26 workweeks of leave for eligible employees to care for a covered service member with a serious illness or injury.

**ELIGIBILITY:** To be eligible for FMLA leave, an employee must:

- 1) have been employed by the City for at least 12 months (which need not be consecutive); and
- 2) have worked for the City for at least 1,250 hours during the previous 12-month period (unless absent on military caregiver leave).

**REASONS FOR LEAVE:** Eligible employees may take leave for the following reasons:

- a. the birth of the employee's child;
- b. the placement of a child with the employee for adoption or foster care;
- c. employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one of more of the essential functions of the employee's job.
- d. to care for the employee's spouse, child or parent who has a serious health condition;
- e. an exigency caused by the call to active duty of a member of the Armed Forces
- f. to care for a spouse, child or parent who is a service member and is injured or becomes seriously ill while on active duty.

**SERIOUS HEALTH CONDITION:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuous treatment by a health care provider.

**NOTICE OF LEAVE:** Eligible employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. In cases where leave is not foreseeable, the employee is expected to notify the City as soon as practicable, or usually within one or two business days. In cases of medical emergencies, notice may be given within one or two days by the employee's spouse, domestic partner or other family member.

Employees requesting leave must do so in accordance with the City's leave request procedures.

**PAID LEAVE:** Employees who have been approved for FMLA leave must use their accrued leave concurrent with FMLA leave in accordance with the City's sick and annual leave policies.

**AMOUNT OF LEAVE:** Eligible employees are provided with up to 12 workweeks (or up to 26 workweeks to care for a covered service member) of FMLA leave during a 12-month period. The 12-month period is based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave.

**MEDICAL CERTIFICATION:** Employees requesting FMLA leave due to their own serious health condition or for the serious health condition of a spouse, parent, or child under the age of 18 or for a child 18 and over who is incapable of self care, must submit a Certification of Health Care Provider form. The form shall be given to the employee at the time of his or her initial FMLA leave request or as soon as practicable and returned by the employee to the City within 15 days.

If the leave is for the employee's own serious health condition, his/her health care provider must state that the employee is unable to perform their job duties.

If the leave is for the serious health condition of a family member, their health care provider must state that the employee is needed to care for that family member, and the estimated period of time that care is needed.

If there is reason to question the medical certification, the City can, at its own expense, require a second opinion from a doctor selected by the City. The City cannot use a doctor with whom the City has an ongoing relationship.

If the two opinions conflict, the City can, at its own expense, require a third and binding opinion from a doctor selected by agreement between the employee and the City.

**RECERTIFICATION:** During an employee's approved leave, the City may require that a medical condition be recertified by the health care provider no more often than every 30 days.

**DESIGNATION OF LEAVE:** The City will notify the employee of approval or denial of his/her FMLA leave request. The City may designate a qualifying event as FMLA whether or not the employee requests FMLA leave.

**CONTACT WITH THE CITY:** During the employee's approved leave, he/she is responsible to keep in contact with the City by providing the certification by the health care provider every thirty days. Additionally, employees must notify the city of any substantial change in circumstance which may affect the eligibility for FMLA leave within 5 days of the change.

**CONTINUATION OF HEALTH BENEFITS:** During the period of FMLA leave, an employee is eligible to maintain health benefits under the same conditions that applied before leave commenced. Employees must continue to make the same contributions he/she made prior to taking the leave. Failure to make the required contributions may result in loss of coverage. If the employee fails to return to work after the expiration of the leave, he/she will be required to

reimburse the City for payment of health premium payments made on their behalf except when the employee's serious health condition prevents him/her from performing their job duties or for circumstances beyond the employee's control.

**RETURN TO WORK:** Employees returning to work following their own serious health condition must provide a Return to Work Release form to the City certifying their ability to perform the essential functions of their job. Employees returning from FMLA leave will be reinstated to their same job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. If an employee is able to return to work but fails to report to work at the conclusion of approved FMLA leave, the employee will be subjected to the City's disciplinary procedures.

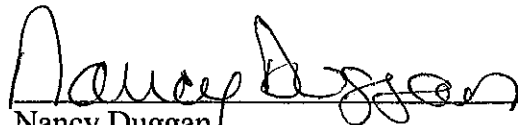
**DENIAL OF FMLA LEAVE:** The request for FMLA leave may be denied if requirements are not met.

**INTERMITTENT FMLA LEAVE:** If an employee is required to take leave on an intermittent basis or work a reduced schedule because of his/her serious health condition or to care for a spouse, parent or child who has a serious health condition, leave will be approved for the equivalent of up to 12 weeks of leave and health benefits will continue as if in a full paid status. If necessary, the City may assign the employee to an alternate position with equivalent pay and benefits that better accommodate the employee's intermittent or reduced schedule. In cases of planned treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of their department.


**NO WORK WHILE ON LEAVE:** Employees are prohibited from working another job while on FMLA due to their own serious health condition.

Effective Date of Policy: August 5, 1993  
Revised: December 2009

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