

City of Jonesboro Family and Medical Leave Policy

It is the policy of this City to grant up to 12-weeks of Family and Medical Leave during a 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specifies in this policy.

Eligibility:

In order to qualify to take family and medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the City at least 12-months, or 52-weeks. The 12-months, or 52-weeks, need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1250-hours during the 12-month period immediately before the date when the leave would begin.
3. The employee must work in an office or worksite where 50 or more employees are employed within 75-miles of that office or worksite.

Type of Leave Covered:

In order to qualify as FMLA under this policy, the employee must be taking the leave for one of the reasons listed below.

1. To care for the employee's child after birth, or placement for adoption or foster care;
2. To care for the employee's spouse, son, or daughter, or parent, who has a serious health condition: or
3. For a serious health condition that makes the employee unable to perform the employee's job

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

Generally a serious health condition is defined as:

- A. A condition which requires an overnight hospitalization;
- B. A minimum of three days of absences, with a doctor's visit and a continuing regiment of care; or
- C. A chronic condition for which the employee or family member continues to receive care for.

Conditions for which treatments are administered, routine dental, orthodontia or periodontal problems or illnesses such as cold, the flu, upset stomach, etc. are not ordinarily considered a serious health condition.

FMLA allows leave for substance abuse only to undergo treatment by a health care provider and specifically excludes employee absence because of the use of substance. Stress qualifies as a serious health condition only if it rises to the level of mental illness or results in a physical illness. This policy covers illness of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Type of Leave Covered Continued:

Employees with questions about the illnesses are covered under this FMLA policy or under the City's sick leave policy are encouraged to consult with the Human Resource Department.

The City may require an employee to provide a doctor's certification of the serious health condition; the certification process is outlined under "Certificate of the Serious Health Condition".

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

An eligible employee can take up to 12-weeks of leave under this policy during any 12-month period.

New Qualifying Reason for Leave (Military Family Leave):

Eligible employees are entitled to up to 12-weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." The City of Jonesboro will provide this type of leave to qualifying employees.

New Leave Entitlement (Military Family Leave):

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26-weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26-weeks of all types of FMLA leave.

All medical information gathered as a result of the serious health condition is considered confidential.

Employee Status & Benefits During Leave:

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued work.

Under current city policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance Department by the 1st day of each month. If the payment is more than 30-days late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make those payments, along with the health care payments. If the employee does not continue these payments the City may discontinue coverage during the leave period, or will recover the payments at the end of the leave period, in a manner consistent with the law.

Employee Status After Leave:

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority. The City may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar positions.

Use of Paid and Unpaid Leave:

If the employee has accrued paid leave the employee must use paid leave first and take the remainder of the 12-weeks as unpaid leave.

An employee who is taking leave because of the employee's own serious health condition or the serious condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave.

An employee taking leave for the birth of a child must use paid sick leave for physical recover following child birth. The employee may then use all paid vacation, personal or family leave, and then will be eligible for unpaid leave for the remainder of the 12-weeks.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

Intermittent Leave or a Reduced Work Schedule:

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12-weeks over a 12-month period.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. The City may require certification of the medical necessity.

Certification of the Serious Health Condition:

The City may ask for certification of the serious health condition. The employee should try to respond to such a request within 15-days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form attached to this policy.

Certification of the serious health condition shall include: The date when the condition began, its expected duration, diagnosis, and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select.

If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. This third opinion will be considered final.

Procedure for Requesting Leave:

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to their immediate Supervisor, with a copy to the Human Resource Department.

When an employee plans to take leave under this policy, the employee must give the City 30-days notice. If it is not possible to give 30-days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

If an employee fails to provide 30-days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30-days from the date the City receives notice.

While on leave, employees are requested to report periodically to the City regarding the status of the medical condition, and their intention to return to work.

Forms are available in the Human Resources Office.

**City of Jonesboro
Request for Family and Medical Leave**

Employee Name: _____

Department: _____

Supervisor: _____

I request a leave of absence from ____/____/____ to ____/____/____ for:

- To care for the employee's child after birth, or placement for adoption or foster care
- To care for the employee's spouse, son, or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employees job.
- To care for a family service member who is recovering from a serious illness or injury sustained in the line of duty.

I understand that during my leave I may receive compensation in the form of sick leave, comp time, or vacation leave, if available. Should I exhaust all forms of paid leave and be placed on leave without pay status, I understand that it is my responsibility to continue to pay my portion of any insurance premiums I normally am responsible for. I further understand that if I fail to do so, my coverage may be canceled after 30-days.

A serious health condition is an illness, impairment or physical or mental condition which involves in-patient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider and which does (or could if untreated) result in a period of incapacity of three or more consecutive days. Conditions for which cosmetic treatment are administered, routine dental, orthodontia or periodontal problems or illness such as colds, the flue, upset stomach, etc. are not ordinarily considered serious health conditions.

Employee's Signature

Date

Human Resource Representative

Date