

Each employee who has been employed by the City for at least one year and has worked at least 1,250 hours during the previous rolling 12 months is entitled to 12 weeks of unpaid, job-protected leave during any 12-month period for any of the following reasons:

- to care for your child after birth or after placement for adoption or foster care;
- to care for your spouse, child, or parent who has a serious health condition; or
- because you have a serious health condition that makes you unable to perform your job.
- Qualified military caregiver or exigency leave (leave in connection with the employee’s spouse, son, daughter or parent being on active duty or called by the U.S. military to active duty status). Caregiver leave provides a maximum of 26 weeks of leave.

The determination of the 12-month period, for purposes of calculating available leave, will be made based on a rolling 12-month period measured backward from the date an employee uses any FMLA leave. The military caregiver leave will be calculated based on the first date of leave.

A “serious health condition” generally means an illness, injury, impairment, or physical or mental condition that involves either: (i) inpatient care in a hospital, hospice or residential medical care facility, or (ii) continuing treatment by a health care provider.

All FMLA defined occurrences that exceed 40 consecutive hours will be considered as part of the FMLA entitlement. Also, any medically documented need for intermittent leave will be considered as part of the twelve week FMLA entitlement. Both the employee and the City should make a “good faith effort” to limit or avoid any scheduling conflicts that may arise from the use of intermittent leave.

Any earned sick leave and/or vacation leave comp, personal must be used as part of FMLA leave. The remainder of the leave will be unpaid. Per Sick Leave Policy 203.00, family sick leave is limited to 5 days. Both the paid and unpaid leave dates are considered part of the FMLA entitlement.

You must provide 30 days advance notice for taking FMLA leave, when the need for leave is foreseeable. If the need is not foreseeable, you must give notice to your supervisor as soon as both possible and practical. The City will provide you with a notice that explains our specific expectations and your obligations with respect to the leave. Please note that any time off beyond 40 consecutive hours that qualifies for a leave under FMLA guidelines will count toward FMLA.

In addition, the City may require medical certification to support a request for leave because of a serious health condition.

During your family and/or medical leave, the City will maintain all of your group insurance coverage on the same basis as if you were not on leave. The employee must pay his/her portion of the premiums during the leave. After FMLA leave is exhausted, only seniority shall continue to accrue. All other leave benefits will be frozen at existing levels until the employee returns to work.

When you return from family and/or medical leave, you will be restored to your original job or to an equivalent position with equivalent pay, benefits, and other employment terms. However, the law does not require that employees among the top 10% highest paid of the company (“key employees”) be restored to their jobs when it would cause substantial and grievous economic injury to the employer’s operation. The use of leave will not result in the loss of any employment benefit that you accrued before the start of the leave.

Before you may return to work from a medical leave necessitated by your own serious health condition, you must present a fitness-for-duty certification from an appropriate health care provider that you are able to resume your work duties.

If you are unable to return to work after the maximum leave period of 12 weeks, you may request an unpaid leave of absence. See policy #206 Leave of Absence Without Pay.