

CITY OF NORTON SHORES

POLICY FAMILY and MEDICAL LEAVE ACT (FMLA)

ISSUED: January 1, 1998

UPDATED: July 29, 2014

Purpose

The Family and Medical Leave Act (FMLA) of 1993 established rules for certain categories of unpaid leaves of absence. A summary of employee rights under the FMLA is located in your building. The following is the City's policy implementing the FMLA.

Policy

Eligibility Requirements for FMLA Leave

1. Employed by the City for at least 12 months.
2. Employee has worked 1250 hours for the City within the 12 months before the leave begins.
3. FMLA leave notice and certification requirements outlined in this policy are completed and failure to do so may result in an unauthorized absence.
4. A total of 12 weeks leave in a 12-month period measured forward from the date upon which that employee's first FMLA leave begins may be taken.
5. Subsequent 12-month periods begin on the date upon which the employee's first subsequent FMLA leave began after completion of any previous 12-month measurement.

Categories of FMLA Leave

1. New Child – Unpaid leave to care for employee's newborn or newly placed adopted/fostered child. This category of leave may be taken by the mother, father or both. If the mother and father both work for the City, the combined total of New Child leave may not exceed 12 weeks in a 12-month period. New Child leave must be taken within 12 months after the birth or placement of a new child and must be taken continuously.
2. Serious Health Condition of Employee, Parent, Child or Spouse – Unpaid leave due to the serious health condition of their parent, child, spouse or themselves which prevents performing their job duties. This category of leave may be taken intermittently rather than continuously or on a reduced schedule if medically necessary. In the event of intermittent or reduced schedule leave due to foreseeable medical treatment the employee may be transferred to another position or schedule, with equivalent pay and benefits that better accommodates this schedule.

3. Military Family Leave – Unpaid leave due to active duty of an employee's spouse, son, daughter, parent or the employee. Employees are eligible for up to the 12 week period for the purpose of attending military events, arranging childcare, addressing financial and legal arrangements, attending counseling or post-deployment reintegration.

A special leave entitlement allows 26 weeks of leave to care for a qualified service member, during a single 12-month period, who has a serious injury or illness as a result of active duty.

Regulations of Leave Time

1. Computation of Leave Time – Each full week of work missed counts as one week of FMLA leave. If an employee misses part of a week due to an intermittent or reduced schedule leave, FMLA will be calculated accordingly based on normal work hours missed. You will be advised of the amount of FMLA leave you have available at the time you request a leave if sufficient notice is given.
2. Notice of Leave Time – Employees must give at least 30 days written notice of a foreseeable leave to their Department Head and Director of Administrative Services and as much notice as possible in unforeseen circumstances. Obviously, advance notice allows planning time for the City and limits detrimental effects on the organization. We request that employees give as much notice as possible.
3. Leave Certification – When an employee requests FMLA Serious Health Condition Leave the employer will determine whether a City medical certification form is necessary. If required, certification is due within 15 calendar days of notification and updated every 30 days that FMLA leave continues. Updated certification is necessary when significant changes occur (e.g. change in anticipated duration or nature of health condition or onset of complications). Employees requesting intermittent or reduced schedule leave must provide medical certification validating this type of leave. A release-to-work medical certification will be required.
4. Unpaid/Paid Leave – Employees are required to use accrued paid vacation, personal and/or sick days as part of any FMLA leave. Sick leave may only be used if the leave is due to the employee's own serious health condition or that of the employee's immediate family requiring the employee's attendance. If an employee is eligible to use sick leave, the employee will first be required to exhaust any accrued paid sick leave. Upon exhaustion of all accrued paid leave, any portion remaining of the 12 weeks of leave available under the Act, if any, will be unpaid. (Please refer to your union agreement for the definition of immediate family under sick leave.)
5. Health Benefits – Employee medical, dental and vision coverage will continue during an FMLA leave, provided the employee continues to pay the normal employee contribution to the City. If an employee does not return to work at the

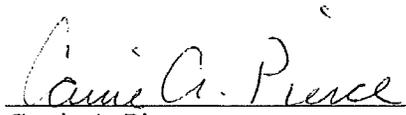
end of the leave, the employee will be required to reimburse the City for health benefit costs to the extent provided in the FMLA, unless the failure to return is due to a serious health condition or other circumstance beyond their control.

6. Other Insurance – An employee on FMLA leave may keep life and long-term disability insurance in effect during an unpaid FMLA leave by paying the full cost of the insurance to the City monthly.
7. Other Benefits – Paid vacation, personal and sick days will not accrue during unpaid FMLA leave.

Vesting and eligibility service under the City's retirement plan continues to accrue during a FMLA leave. However, service for purposes of that year's benefit accrual is suspended during a leave of absence.

Employee's seniority and length of service will continue to accrue during an FMLA leave.

8. Return from Leave – Employee must notify the City every 30 days during an FMLA leave of their status and intent to return. At the end of FMLA leave an employee will return to their pre-leave job or an equivalent position. The only exception would be if the City notifies the employee at the time of delivery of the Notice of Employee Obligations or shortly thereafter, that the employee is considered to be a "key employee" as defined by the FMLA. In that case, the City is not required to return the employee to work so long as such return would cause the City substantial and grievous harm.



Carrie A. Pierce
Director of Administrative Services

Effective: July 28, 2014