

<b>Policy:</b>	<b>Family Medical Leave Act (FMLA)</b>
Adopted:	M2007-0143
Effective:	October 1, 2007
Revised:	October 5, 2009

<b>Purpose</b>	To comply with Federal Law 29 U.S.C.A ~ 2611 – 2617. The Family Medical Leave Act (FMLA) is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. See Section 8.25 - FMLA for military leaves.
<b>Policy</b>	The City of Northfield will provide up to twelve (12) weeks of unpaid, job protected leave for the birth of a child, adoption, foster care and certain family and medical reasons.
<b>Eligible Employees</b>	Eligible employees are those who have: <ul style="list-style-type: none"> <li>• Been employed by the City of Northfield for at least one year; and</li> <li>• Have worked a minimum of 1,250 hours within the previous twelve- (12) month period.</li> </ul>
<b>Circumstance Covered by Family Leave</b>	FMLA leave will be granted to an eligible employee for any of the following reasons: <ul style="list-style-type: none"> <li>• For incapacity due to pregnancy, prenatal medical care or childbirth;</li> <li>• To care for their child (<u>after</u> birth, or placement for adoption or foster care with the employee);</li> <li>• To care for their spouse, son or daughter, or parent, who has a serious health condition; or</li> <li>• A serious health condition that renders the employee unable to perform their job duties.</li> </ul>
<b>Serious Health Condition</b>	A serious health condition is defined as any illness, injury, impairment, or physical or mental condition that requires: <ul style="list-style-type: none"> <li>• Inpatient care (overnight stay) in a hospital, hospice, or residential medical-care facility and any resulting period of incapacity and treatment.</li> <li>• Continuing treatment by a health care provider for a condition that either prevents you from performing the functions of your job, or prevents the qualified family member from participating in school or other daily activities.</li> <li>• The continuing treatment requirement may be met by: <ol style="list-style-type: none"> <li>1. A period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider within 30 days of the date of incapacity, or one visit and a regimen of continuing treatment; or</li> <li>2. Incapacity due to pregnancy; or</li> <li>3. Incapacity due to a chronic condition which requires at least two (2) visits per year for treatment by a health care provider.</li> </ol> </li> </ul>
<b>Leave Year</b>	The leave year will begin the first day the employee is absent from work on FMLA leave.

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**Length of Leave** The length of FMLA leave is not to exceed twelve (12) weeks in any twelve (12) month period. The entitlement to FMLA leave for the birth or placement of a child expires twelve (12) months after the birth or placement of the child.

**Notice** Employees must give the City at least thirty days (30) advance notice if the leave is foreseeable. If that is not possible, the employee should give as much notice as is practicable and must comply with the normal call-in procedures. When the City receives the employee's request, we will inform the employee if they are eligible for FMLA leave and any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible for FMLA leave, the City will provide a reason for the ineligibility. Once a determination is made, we will provide another notice stating whether the leave will be designated as FMLA-protected and the amount of leave to be counted against your entitlement (if it can be determined). If the leave is not FMLA-protected, the City will notify the employee.

Employees must provide sufficient information to the City to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. This may include that the employee is unable to perform job functions, the family members is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider.

**Medical Certification** Employees must provide a medical certification for FMLA Leave. A "Certification of health Care Provider" form can be obtained from the Human Resources department. It is to be completed by the attending physician or practitioner. Employees may also be required to provide periodic recertification supporting the need for leave. A Certification of health Care Provider" is not required for pregnancy, or if the employee is on workers' compensation.

The City may require a second or third medical opinion at the City's expense.

**Use of Vacation Sick Leave & Compensatory Time** Employees must use all accrued vacation leave, sick leave and compensatory time while on any FMLA leave prior to using unpaid leave.

The use of vacation leave, sick leave and compensatory time occurs simultaneously with FMLA leave and does not extend the length of FMLA leave.

When an employee has used their total accrued paid leave time for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks.

**Less than 480 hours of accrued leave** The City of Northfield will follow the guidelines of the Federal Family and Medical Leave Act (FMLA) for employees that have less than 480 hours of accrued leave. If the employee is unable to resume his/her regular assigned position, and the Employer is not able to provide the employee a comparable position within the organization, the Employer shall pay the employee the balance of the

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employee's accrued paid leave, pursuant to the terms of the various paid leave policies.

**Greater than 480  
hours accrued leave**

The City of Northfield will extend the FMLA guidelines for those employees with accumulated paid leave greater than 480 hours to the extent of the accrued leave, but not to exceed six (6) months. When the accrued paid leave is exhausted or the six (6) months maximum has been reached, and the employee is not able to resume his or her regular assigned position, and the city is not able to provide the employee a comparable position within the organization, the city shall pay to the employee the balance of the Employee's accrued paid leave, pursuant to the terms of the various policies.

**Both Spouses  
Employed by City**

When both spouses are employees of the City, each spouse may take up to twelve (12) weeks of FMLA leave per leave year, except for childbirth/adoption/foster care and to care for a parent. In these instances the spouses are limited to 12 weeks combined in a single leave year. The leaves may run simultaneously.

**Insurance  
Continuation**

An employee on FMLA leave may choose to continue existing health care benefits (health and dental) and life insurance if they so desire. These benefits will be maintained under the same conditions, and at the same level of City contribution, as before the employee goes on leave. If there are changes to the City's contribution levels and/or premium rates while the employee is on leave, those changes will take place as if the employee were still on the job. The employee will be required to continue payment of the employee portion of the health care and/or other insurance coverage they choose to continue.

The employee may choose not to retain health care or other insurance coverage during the FMLA leave. When the employee returns from leave, they will be reinstated on the same terms as prior to taking leave, without any qualifying period, physical examination, exclusion of preexisting conditions, or other requirement.

**Premium  
Reimbursement**

The employee will be required to reimburse the City for any premiums paid during the leave if the employee does not return to work for a minimum of thirty calendar days (30).

If the employee cannot return to work due to the continuation of a serious health condition of the child, spouse, parent or employee, or due to other circumstances beyond the control of the employee, the employee will be required to reimburse the City for any premiums paid during the leave.

Employees on intermittent leave, who do not return to work, will be evaluated on a case-by-case basis with regard to the premium reimbursement requirement.

**Status of Benefits**

The employee will not accrue benefits such as vacation leave and sick leave while on unpaid FMLA leave. Employee's using a combination of paid and unpaid leave, or intermittent unpaid leave, will accrue benefits on a prorated basis. Employees using paid leave will continue to accrue benefits.

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Step increases may be extended by the length of the leave. Employees on intermittent leave will be evaluated on a case-by-case basis with regard to extending the length of the step increases.

**Key Employees/  
Return to Work**

A key employee is defined as a “senior management” salaried employee. Key employees may be denied reinstatement to the same or an equivalent position after a leave if the denial is necessary to prevent substantial economic injury to the City’s operations.

Employees who are not “key” employees will be reinstated to their same position or an equivalent position upon return from leave, with equivalent pay, benefits and working conditions.

**Intermittent Leave**

Leave may be taken intermittently or on a reduced schedule if medically necessary. If not medically necessary, Department Director, Human Resources Director and City Administrator approval is required. The City may require the employee to transfer to an alternative position of like status and pay while on intermittent leave. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City’s operations. If leave is taken intermittently, it will not affect the status of an exempt employee under the Fair Labor Standards Act. All requests for intermittent leave will be evaluated on a case-by-case basis.

**Return to Work**

The employee will be required to submit a “Fitness for Duty Report” (sample form in section 11) to the Human Resources Director prior to returning to work if the FMLA leave was for the employee’s own serious health condition.

**Unpaid Leave of  
Absence**

This policy is not intended to conflict with the City’s Unpaid Leave of Absence policy. That policy will continue to apply in situations which are not addressed by the FMLA.

**When Policies  
Conflict**

Where provisions of other City policies are in conflict with the Family Medical Leave Act (FMLA), those policies which are most beneficial to the employee will apply.

**City Responsibilities**

The City is prohibited from interfering with, restraining, or denying an employee any right provided under the FMLA law. An employee may not be discharged or discriminated against for opposing the City for unlawful practices under the FMLA or for any involvement in a proceeding under or relating to the FMLA.

**Enforcement of  
FMLA**

If an employee is dissatisfied with the City’s implementation of the FMLA, they may file a complaint with the US Department of Labor, or may bring a private lawsuit against the City. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**General Summary**

This policy is intended to be a general summary of the law. Each situation will be evaluated on a case-by-case basis.

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**Additional  
information**

For more information, contact the Human Resources Director