

CITY OF FORT LAUDERDALE

DATE ISSUED
10-31-11

POLICY and STANDARDS MANUAL

CHAPTER:
EMPLOYEE RELATIONS AND WELFARE 6
SECTION:
EMPLOYEE LEAVE 2

SUBJECT: FAMILY AND MEDICAL LEAVE

5

PURPOSE

A
A

To establish a uniform policy and procedures for granting family and medical leave as outlined in the Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act (NDAA) with further amendments in 2010.

POLICY

D
A
A
D
A
A
A
A
A
A&D

It is the policy of the City of Fort Lauderdale to provide up to 12 weeks of leave in any rolling 12-month period (measured backward from the date an employee uses any FMLA leave) to eligible employees in accordance with the provisions of the Family and Medical Leave Act. At any time the need for FMLA leave arises, the amount of FMLA leave an eligible employee is entitled to use is measured by counting how much FMLA leave the employee has used during the previous 12 months. The NDAA amendments to the Family and Medical Leave Act, provide for FMLA leave because of any qualifying exigency arising out of the fact that an eligible employee's spouse, son, daughter, or parent is a covered military servicemember on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation, and to care for a covered servicemember with a serious illness or injury if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

GUIDELINES

COVERAGE AND ELIGIBILITY

To be eligible for family/medical leave, an employee must have been employed by the City of Fort Lauderdale for at least twelve (12) months and have worked at least 1,250 hours over the previous twelve (12) month period.

If a husband and wife both work for the City, a combined total of twelve (12) weeks of leave for both (not 12 weeks each) are possible during any 12-month period, if the leave is to care for a new child (by birth or placement). If the leave is to care for a sick child or the other spouse, then each spouse is entitled to 12 weeks each.

Please contact the Human Resources Department if you have questions or need assistance regarding FMLA leave.

PROCEDURES

A
A
N
|
|
N

PAID ACCRUED LEAVE

Eligible employees requesting FMLA leave are required to utilize paid accrued sick leave and/or vacation leave for absences in accordance with existing criteria as permitted by the City's policies, procedures, bargaining agreements and rules. Contact your department/office timekeeper regarding your available leave balances. Approved FMLA leave will run concurrent with the use of accrued paid leave. The City may designate leave as FMLA leave if the leave meets the requirements listed below, even when an employee does not specifically request that the leave be designated as such.

D&A

An eligible employee may request up to twelve (12) weeks of leave per twelve (12) month period for any one or more of the following reasons as defined within the Family and Medical Leave Act:

- The birth of a child and care for a child following a birth or the placement of a child with the employee for adoption or care. Leave for this reason must be taken within a twelve-month period following the child's birth or placement with the employee.
- In order to care for an immediate family member (spouse, child under 18 years of age or over 18 if physically or mentally disabled, or parent (not parent-in-law) of the employee if such immediate family member has a serious health condition. Conditions that require an absence of three or more consecutive days and are accompanied by a regimen of continuing treatment are generally considered serious health conditions.
- The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.

D

The FMLA was amended by the NDAA to provide an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered military servicemember with up to 26 weeks of FMLA leave in a single 12-month period to care for a member of the Armed Forces with a serious injury or illness. In addition to caring for current members of the Armed Forces (including the National Guard and Reserves), caring for a "covered servicemember" also includes a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

D

N

|

|

|

|

|

N

A

A

N

|

|

|

|

N

The NDAA also amended the FMLA to allow eligible employees to take up to 12 weeks of FMLA leave because of any qualifying exigency arising due to a covered family member being on covered active duty or due to notification of an impending call to covered active duty status in support of a contingency operation. Covered active duty for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. Covered active duty for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in the law.

NOTICE REQUIREMENT

An employee is required to give thirty (30) days' notice in the event of a foreseeable leave, i.e., pregnancy, adoption, planned surgery. An "Employee Request for Family/Medical Leave" form (see Appendix I) should be requested from the Human Resources Department, completed by the employee and returned to the Director of Human Resources. The completed request form must state the reason for the leave, the duration of the leave, and the starting and ending dates of the leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Employee Request for Family/Medical Leave" form no later than three (3) business days from when the need for leave becomes known or as soon as is reasonably possible. Failure to comply with these requirements may result in a delay in the start of FMLA leave.

INTERMITTENT OR REDUCED LEAVE

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary." "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. Additional requirements may apply for a request for intermittent leave to be approved; consult with Human Resources when requesting intermittent leave.

MEDICAL CERTIFICATION

For leaves taken because of the employee's serious health condition, the employee must submit a completed "Certification of Health Care Provider for Employee's Serious Health Condition" form (see Appendix II) and return the certification to the Director of Human Resources. For leaves taken because of the employee's covered family member's serious health condition, the employee must submit a completed "Certification of Health Care Provider for Family Member's Serious Health Condition" form (see Appendix III) and return the certification to the Director of Human Resources. For leaves taken because of a serious injury or illness of a covered military servicemember, the employee must submit a completed "Certification for Serious Injury or Illness of Covered Servicemember - for Military Family Leave" form (see Appendix IV) and return the certification to the Director of Human Resources. These forms may also be obtained from the Human Resources Department. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible if additional time is needed not as a result of the employee's lack of due diligence to submit the forms timely.

The City may require a second or third opinion (at the City's expense), and periodic reports on the employee's status and intent to return to work. All documentation related to the employee's or family member's medical condition will be held in strict confidence.

QUALIFYING EXIGENCY CERTIFICATION FOR MILITARY FAMILY LEAVE

For leaves taken because of any qualifying exigency arising due to a covered family member being on active duty or due to notification of an impending call to active duty status in support of a contingency operation, the employee must submit a completed "Certification of Qualifying Exigency for Military Family Leave" form (see Appendix V) and return the certification to the Director of Human Resources. This form may also be obtained from the Human Resources Department, and must be provided by the employee within 15 days after requested, or as soon as is reasonably possible.

EFFECT ON BENEFITS

During a period of family or medical leave, an employee will be retained on the City's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

N
|
|
|
|
|
|
|
|
|
N

If an employee does not return to work at the conclusion of approved FMLA leave, the employee is liable for payment of the health plan premiums (medical and/or dental) paid by the City during any unpaid portion of the leave. The City may recover its share of the premiums by taking deductions, to the extent permitted by law, from the employee's unpaid wages (if any), vacation pay or other pay due the employee, or by initiating legal action. However, an employee will not be liable for the premiums if the employee failed to return to work due to continuation of their own serious medical condition or other reason(s) beyond their control. An employee will be considered to have returned to work if he/she works for at least 30 calendar days commencing with his/her scheduled return date.

JOB PROTECTION

Upon return from the family/medical leave, the employee will be restored to their original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The employee's restoration rights are the same as they would have been had the employee not been on leave. Appropriate adjustments for periods of unpaid leave will be made to the employee's service dates and there shall be no accrual of vacation leave or sick leave during periods of unpaid leave.

N
|
|
|
|
|
N

EMPLOYEE NOTIFICATION

Each City department/office must designate leave as FMLA leave when the circumstances meet the qualifications of the FMLA. Once a department/office is aware that leave is being taken for a FMLA reason, the department/office must promptly notify the employee and Human Resources that the leave will be counted as FMLA. This notice may be oral, but will be followed by written notification/confirmation from Human Resources.