



FAMILY AND MEDICAL LEAVE

I. PURPOSE

To enable employees to receive time away from work without pay for limited periods to attend to specified family needs or their own serious health condition with job protection and no loss of accumulated service.

II. SCOPE

This policy applies to all employees who have worked for the City for 12 months and at least at least 1,250 hours during the twelve months preceding the leave.

III. POLICY

Eligible employees may take up to twelve weeks of unpaid leave per a 12-month period for a qualifying event or up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. Qualifying events are the birth of the employee's child, placement of a child with the employee for adoption or foster care, when the employee is needed to care for a child, spouse or parent who has a serious health condition, for an employees own serious health condition, because of a qualifying exigency arising out of the fact that your spouse, son or daughter, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves or because you are next of kin of a covered service member with a serious injury or illness.

Up to twelve (12) consecutive weeks of leave may be taken for the birth or placement of a child. Up to twelve (12) weeks of leave may be taken consecutively or intermittently if the employee, spouse, child or parent has a serious health condition.

Employees must use their benefit time, vacation, sick, and compensatory time, during the FMLA leave. No loss of seniority will occur while the employee is on this leave of absence. Employees must continue to pay any premiums that are paid for his/her group health insurance coverage and that of his/her dependents.

If the employee fails to return to work at the end of the approved leave, the City may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return was beyond the employee's control.



IV. DEFINITIONS

A. Child

Anyone under 18 years who is the employee's biological, adopted, or foster child, stepchild, legal ward, or an adult legally dependent child. This may also include a child for whom the employee has previously established day-to-day responsibility.

B. Parent

Biological, foster or adoptive parents, stepparents legal guardians, or someone who plays or has played the role of parent.

C. Spouse

A legal marital relationship recognized under Texas law.

D. 12-month period

Measured from any FMLA leave usage in a "rolling" 12-month period.

V. PROCEDURE

A. Application and Commencement

1. FMLA leave will start when an employee is on leave for three or more calendar days due to a qualifying event or intermittently for a serious health condition.
2. A FMLA request form must be completed requesting family and medical leave of absence and submitted to the supervisor thirty days prior to commencement date, except where medical conditions make such a requirement impossible.
3. When the leave is to care for a sick child, parent or spouse, or for the employee's own serious health condition, the requesting employee must



submit a Certification by a Health Care Provider. This form may be obtained by contacting the Human Resources Department.

4. When the leave is for planned medical treatment, the employee must attempt when possible to schedule the treatment so as not to disrupt City operations.
5. Accrued paid leave must be used concurrently with your unpaid FMLA leave entitlement.

B. Reinstatement

1. Upon return from a family and medical leave of absence, the employee will be reinstated in the following priority of position reassignment:
 - First: previous position if available.
 - Next: a comparable position for which the employee is qualified.
2. Employees on leave must notify their supervisor as soon as reasonably practical of availability and intent to return to work.
3. An employee's failure to return from leave, or failure to contact his or her immediate supervisor or Human Resources on the scheduled date of return, will be considered a voluntary resignation.

Exception: If the employee on leave of absence is a salaried employee and is among the highest paid ten percent of City employees living within 75 miles of the City, and keeping the job open for the employee would result in substantial disruption to City operations, reinstatement to the position may be denied. The employee will be given an opportunity to return to work, however in a different job.