

**FAMILY AND MEDICAL LEAVE ACT
POLICY**

1.0 AUTHORITY

This policy is in keeping with current City of Vero Beach Personnel Rules and Regulations and the Federal and State Family and Medical Leave Act and the powers and duties of the City Manager.

2.0 PURPOSE

The purpose of the policy is to provide guidelines for consideration of Family and Medical Leave usage and may be amended as applicable when the Federal and/or State Family and Medical Leave Act is amended.

3.1 BASIC FAMILY AND MEDICAL LEAVE ACT ENTITLEMENT

The purpose of the Basic Family and Medical Leave Act (FMLA) is to provide up to twelve (12) weeks of job-protected leave to eligible employees for certain family and personal medical reasons.

- A. Basic FMLA leave shall be granted and required for any of the following reasons:
 - 1. For incapacity due to pregnancy, prenatal medical care or childbirth.
 - 2. To care for the employee's child following birth or adoption, or placement of a child into the employee's foster care.
 - 3. To care for the employee's spouse, child or parent who has a serious health condition.
 - 4. For a serious health condition that makes the employee unable to perform the essential functions of the job.

- B. Serious Health Condition
 - 1. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of their job, or prevents the qualified family member from participating in school or other daily activities.
 - 2. The continuing treatment requirement is a period of incapacity of more than

three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

3. An employee does not need to use this leave entitlement all at one time. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations.

4.1 MILITARY FAMILY EXIGENCY LEAVE ENTITLEMENT

The Purpose of the Military Family Exigency Leave Entitlement is to provide twelve (12) weeks of job protected leave to eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves for:

- A. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- B. Qualifying exigencies include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

5.1 MILITARY CAREGIVER ENTITLEMENT

The purpose of the special leave entitlement is to permit eligible employees to take up to twenty-six (26) weeks of leave during a single twelve (12) month period as follows:

- A. To care for the employee's spouse, son, daughter, parent or next of kin if he/she is a servicemember who is currently a member of the Armed Forces, National Guard or Reserves with a serious injury or illness incurred in the line of active duty that renders him/her medically unfit to perform his or her duties. The servicemember must be undergoing medical treatment, recuperation, or therapy, or be in outpatient status, or on the temporary disability retired list.
- B. In the event the covered servicemember has no spouse, son, daughter or parent, the next of kin is their nearest blood relative in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember, brothers and sisters, grandparents, aunts and uncles, and first cousins. Employees will be required to furnish proof that they are the servicemember's next of kin.

6.0 ELIGIBILITY REQUIREMENTS

Employees are eligible for coverage under the Family and Medical Leave Act if they have been employed for at least one year, and have worked at least 1,250 hours over the previous twelve (12) months.

7.1 EMPLOYEE RESPONSIBILITIES

- A. When the need for leave is foreseeable, employees shall provide the City thirty (30) days advance notice of the need to take FMLA leave by completing the FMLA Request Form. When thirty (30) days notice is not possible, the employee shall provide the City notice by completing the above mentioned form as soon as practicable and must comply with the City's normal call-in procedures.

If the employee is unable to complete the form, the employee's supervisor shall complete the form commencing with the fourth day of the employee's absence.

- B. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information includes that the employee is unable to perform the essential functions of their position, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
- C. Employees must inform the City if the requested leave is for a reason for which FMLA leave was previously taken.
- D. Once the request is received, the employee shall be required to present medical certification or qualifying military family exigency certification to support the request for leave, regardless of whether the leave is for personal illness or that of a spouse, child or parent, or a covered military member
- E. If the leave is for the employee's personal illness or injury, a return to work form, stating the employee is able to perform the essential functions of their position, must be returned prior to the employee being reinstated to active duty.

8.1 JOB BENEFITS AND PROTECTION

- A. During approved FMLA leave, the City will maintain the employee's group health as if the employee was not on leave. If the employee is on unpaid leave, payment of the employee's dependent portion must be made by the employee.
- B. Upon return from FMLA leave, employees shall be returned to their regular job assignment, or an assignment with equivalent pay, benefits, salary, and other employment terms.

- C. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of the leave.

9.1 USE AND ACCRUAL OF MEDICAL LEAVE

- A. An employee who is approved for FMLA leave for a personal medical condition shall be required to first use all accrued medical leave. If the approved FMLA leave exceeds the amount of accrued medical leave a person has, the employee shall then use all accrued holiday leave and accrued annual leave. Thereafter, the leave will be without pay.
- B. Depending on the employee's normal bi-weekly work schedule a regular status employee who requests FMLA leave to care for a family member shall be required to use either 75 or 80 hours of accrued medical leave, provided the employee has not already used those hours during the calendar year. Depending on employee's normal bi-weekly work schedule based upon circumstances and at the department head's discretion, an additional 37.5 or 40 hours of accrued medical leave may be granted to the employee. If the FMLA leave extends beyond the allowed medical leave days, the employee must then use any accrued holiday, eligible personal leave, or accrued annual leave. After all forms of paid leave have been exhausted, the continued FMLA leave will be without pay.
- C. In cases involving a military family exigency, any unused accrued holiday leave, eligible personal leave and accrued annual leave shall be charged. Thereafter, the leave shall be without pay.
- D. In cases involving military caregiver leave, if the leave is for a spouse, child or parent, the provisions stated above in Section B will apply. Because paid medical leave is only allowed for the spouse, child or parent of the employee, no accrued medical leave shall be allowed for next of kin. Employees must use accrued holiday, eligible personal leave and accrued annual leave. Thereafter, the leave shall be without pay.
- E. Annual leave and medical leave will cease to accrue as of the fifteenth consecutive work day an employee is on paid FMLA leave. Upon return from FMLA leave of more than 15 consecutive work days, the employee's accruals will resume.
- F. Although an employee may not have requested FMLA leave, the City retains the right to apply absences to FMLA leave allowance if the absence falls within the scope of the law.
- G. The maximum amount of FMLA allowed for any employee shall be in accordance with the law in effect at the time the leave is granted.