

## **604 Family Medical Leave Act**

### **604.1**

All eligible employees will be provided up to 12 weeks of job protection for certain family and medical leave in compliance with the Family Medical Leave Act of 1993. "Eligible" employees are those who have worked for the City of Amarillo for a minimum of 1 year and have worked at least 1,250 hours during the previous 12 months.

### **604.2**

Family Medical Leave may be used for the following reasons:

- A. Birth of a child of the employee and in order to care for the child;
- B. Placement of a child with the employee for adoption or foster care;
- C. To care for the employee's spouse, child or parent who has a serious health condition; or
- D. A serious health condition that makes the employee unable to perform the functions of the employee's position.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire 12 months from the date of the birth or placement.

A serious health condition means an illness, injury, impairment, or physical or mental condition that includes inpatient care or continuing treatment by a health care provider.

### **604.3**

The 12-month period during which an employee is eligible and eligibility for up to 12 weeks of FMLA leave is based on a rolling 12 month period that looks back from the current request for FMLA leave.

### **604.4**

An employee on FMLA leave must substitute and exhaust all applicable accrued annual and sick leave as part of the 12 workweeks of FMLA leave, before beginning leave without pay status. The employee, at their option, may substitute compensatory leave for leave without pay.

### **604.5**

An employee may take FMLA leave on an intermittent or reduced leave schedule for reasons under Section 604.2 C and D. Intermittent or reduced leave is not available for leave taken under Section 604.2 A and B.

### **604.6**

An employee intending to take FMLA leave due to childbirth or placement, or because of a planned medical treatment, must submit an application for leave at least 30 days before the leave is to begin. If leave is to begin within 30 days, an employee must give notice to his/her Department Head and to the Director of Human Resources as soon as the necessity for the leave arises.

### **604.7**

Within 2 business days of receipt of notice from an employee requesting paid or unpaid leave for any of the reasons listed in Section 604.2, the employee's Department Head must notify the Director of Human

Resources who will determine if the reason for the leave qualifies for FMLA leave and begin the necessary documentation.

#### **604.8**

A husband and wife who are eligible for FMLA leave and are both employed by the City, are entitled to 12 weeks of FMLA in a 12-month period except:

- For birth of the employees' son or daughter or to care for the child after birth;
- For placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or
- To care for the employee's parents with a serious health condition.

In the circumstances described above the husband and wife are limited to a combined total of 12 weeks of FMLA leave during a 12-month period. For the birth of a child, a maximum of 2 weeks of sick leave is allowed without a physician statement.

#### **604.9**

The Director of Human Resources may require, by written request, that FMLA leave be supported by a certification issued by the health care provider of the employee, or the child, spouse, or parent of the employee. A certification must be furnished in a timely manner when requested and must state:

- The date on which the serious health condition commenced;
- The probable duration of the condition; and
- The appropriate medical facts within the knowledge of the health care provider.

#### **604.10**

The City will provide health benefits to an employee while on FMLA leave at the level and under the conditions benefits would have been provided if the employee had continued in regular employment, subject to the employee continuing to pay any payment required prior to start of the FMLA leave.

#### **604.11**

The City may deny FMLA under any of the following circumstances:

- There is not a qualifying event or the employee has not worked the required time; or
- An employee fails to give timely advance notice when the need for FMLA leave is foreseeable. Family Medical Leave Act leave may be delayed until 30 days after the date the employee provides notice to the City of the need for FMLA leave; or
- An employee fails to provide within 15 days a requested medical certification to substantiate the need for FMLA leave; or
- All FMLA leave has been exhausted for that 12-month period.

#### **604.12**

If an employee fails to provide requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certificate. If an employee fraudulently obtains FMLA leave, the City may deny job restoration or maintenance of health benefits in addition to other disciplinary action.

**604.13**

If the employment relationship between the City and the employee terminates, an employee's rights to continued leave, maintenance of health benefits and job restoration cease under FMLA.

**604.14**

If a conflict should occur between these policies and the FMLA of 1993, the Act shall prevail.