

SECTION XVII: FAMILY AND MEDICAL LEAVE ACT

1. **GENERAL POLICY. If, at any time, Tremonton City has at least 50 employees, this Family and Medical Leave Act (FMLA) policy will be in effect.**
 - A. The Family and Medical Leave Act of 1993 requires many employers, including “public agencies” to provide up to a total of twelve (12) work weeks of unpaid leave during any twelve (12) month period for “eligible” employees at the time of the birth or adoption of a child or at the time of a serious health condition affecting the employee or a family member.
 - B. A single “public agency” is further defined under Section 3(x) of the Federal Labor Standards Act to include a city or a town.
 - C. A ‘serious health condition’ is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.
 - D. “Intermittent leave” or a “reduced leave schedule” for medical reasons can be taken under this policy “when medically necessary”. Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree to that arrangement.
 - (1) Intermittent leave is leave that is not taken consecutively.
 - (2) A reduced leave schedule is a leave schedule that reduces the usual number of hours per work week or hours per work day.
2. **ELIGIBILITY. To be “eligible” for FMLA leave, an employee must:**
 - A. Have been employed for at least twelve (12) months by the employer.
 - B. Have been employed for at least one thousand two hundred fifty (1,250) hours of service with that employer during the previous twelve (12) months.
 - C. Be employed by an employer who employs at least fifty (50) people within a seventy five (75) mile radius around the worksite.
3. **LEAVE OPTIONS. At either the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.**
4. **NOTICE AND MEDICAL CERTIFICATION REQUIREMENTS. The employee may be required to provide advanced leave notice and medical certification. FMLA leave may be denied if the following requirements are not met:**
 - A. The employee ordinarily must provide thirty (30) days advance notice when the leave is “foreseeable”. When this is not possible, the employee should provide such notice as is possible.
 - B. The employee may be required to provide the employer with medical certification to support a request for FMLA leave because of a serious health condition. If the

employer requires a second or third opinion, they will both be at the employer's expense.

- C. A fitness for duty report is required before an employee returns to work with the employer.

5. BENEFITS AND EMPLOYMENT STATUS.

- A. During the FMLA leave, the employer must maintain the employee's health benefits coverage under any "group health plan" that the employee has with the employer.
- B. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave. However, no seniority or other benefits will accrue during the FMLA leave.
- C. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

6. MILITARY FAMILY LEAVE

- A. Eligible employees are entitled to up to twelve (12) weeks of leave if they have a son, daughter, spouse, or parent of the employee, who is on active duty, or has been notified of an impending call to active duty. (09/16/08)
- B. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty, is entitled to up to a combined total of twenty-six (26) weeks of leave in a single, twelve (12) month period to care for the serviceman. (09/16/08).

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