

CITY OF BRIDGEPORT

Subject:	Approval:	Approval:	Effective:
Family and Medical Leave Policy (Revised)	Michael E. Feeney CAO	John M. Fabrizi Mayor	August 1, 2006 Number: 03-96 Page: 1 of 4

PURPOSE

The purpose of this policy is to establish guidelines for the application, use and requirements of family or medical leave (FMLA) for City employees.

SCOPE

This policy shall apply to all City employees who have worked for at least twelve (12) months, and have worked at least 1250 hours during the 12-month period immediately preceding the start of the leave.

POLICY

As provided by the 1993 Family and Medical Leave Act, all eligible City of Bridgeport employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

Covered Family and Medical Reasons: An eligible employee shall be entitled to 12 weeks unpaid leave during a 12-month period for one or more of the following reasons:

- 1) To care for a child after birth, or placement of a child for adoption or foster care;
- 2) To care for an immediate family member (spouse, child, or parent) with a “serious health condition”, or,
- 3) To take a medical leave when the employee is unable to work because of a “serious health condition”, or,

Note: A serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

An employee may take leave if a serious health condition makes the employee unable to perform the essential functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the City’s sick leave policy are encouraged to meet with a representative from Human Resources/Grants Personnel.

Employee Eligibility: An employee shall be entitled to FMLA when he/she meets the following criteria:

- 1) The employee has worked for at least 12 months for the City. The twelve months need not have been consecutive. (If the employee was on the payroll for part of a week, the City will not count the entire week. The City considers 52 weeks to be equal to twelve months.)
- 2) The employee has to have worked for the City for at least 1,250 hours over the 12 months before the leave would begin.

- 3) When the City employs both spouses, they are jointly entitled to a combined total of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

Calculation of Leave: Eligible employees can use up to 12 weeks of leave during any 12-month period. The City will use a rolling 12-month period measured backward from the date an employee uses or requests any FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

An employee may request FMLA for more than one of the eligible reasons. However, an employee is only entitled to a total of 12 weeks of FMLA for all approved leaves in a 12-month period. This 12-month period is measured backward from the date an employee uses or requests the first leave.

Maintenance of Benefits: An employee shall be entitled to maintain group health insurances coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay the required contribution as specified in the employee's union contract. This payment shall be made either on person or by mail to the Human Resources/Grants Personnel Department by the first (1st) day of each month as payment for that month. If the employee's payment is more than 30 days overdue then the City will discontinue the coverage.

If an employee informs the city that he/she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Job Restoration: An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent pay and benefits.

The City may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to the position immediately.

Use of Paid and Unpaid Leave: An employee with an approved FMLA will use their accrued paid leave (vacation, personal, sick leave, compensatory time) in accordance with the following. If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave.

An employee with an approved FMLA due to his/her own serious health condition will first use all paid vacation, personal compensatory time and sick leave, and then will be eligible for unpaid leave.

An employee with an approved FMLA due to the serious health condition of a parent, spouse or child, will use all paid vacation, personal and compensatory time, but not their sick leave, and then will be eligible for unpaid leave.

An employee with an approved FMLA due to the birth or adoption or foster placement of a child will use all paid vacation, personal and compensatory time, but not their sick leave, and then will be eligible for unpaid leave. A female employee using leave for the birth of her child may use paid sick leave for the physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case-by-case basis.

Intermittent Leave and Reduced Work Schedules: In certain cases, intermittent use of the twelve weeks of FMLA or a part of a reduced workweek may be allowed. An employee will need to discuss and gain approval for such use from their department head and the Director of Labor Relations.

Employees may also use FMLA intermittently or as part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that *does not unduly disrupt the City's operations*. This provision is subject to the approval of the Director of Labor Relations.

In some cases, the City may temporarily transfer an employee using intermittent or a reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

Procedure for Requesting Leave: All employees requesting FMLA under this policy must complete the *Application for FMLA, Acknowledgement & Medical Release, and Medical Certification of Health Care Provider* forms available from the Human Resources/Grants Personnel Department. A copy of this policy will also be given to each employee requesting FMLA forms.

When an employee plans to take leave under this policy, the employee must give the City 30 days notice. If it is not possible to give 30 days notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

While on leave, employees are requested to report periodically to their supervisor regarding the status of the medical condition, and their intent to return to work.

Procedure for Notice and Certification of a Serious Health Condition: The City will require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or will require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should request that the health care provider respond to such a request within fifteen (15) days or provide a reasonable explanation for the delay.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law.

When seeking certification of a serious medical condition, an employee should ensure that the qualified health care provider's certification contains the following:

- 1) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- 2) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement explaining how, why, and the duration that the employee is unable to perform the essential functions of the employee's position.
- 3) For the serious illness of a family member, the certification should include a statement that the patient requires assistance and that the employee's assistance would be necessary and/or helpful.
- 4) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The completed certification should be delivered in a sealed envelope and marked "Confidential" to the Human Resources/Grants Personnel Department, City Hall, Room 222. Human Resources/Grants Personnel will maintain the

certification in a confidential file and, if necessary, will provide the employee's department head with appropriate information from the certification (e.g. date of approval, schedule of appointments and treatments, etc.).

If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

FAMILY and MEDICAL LEAVE DOCUMENTS

Application for FMLA: Documents the type of FMLA requested, anticipated start date of leave, and required acknowledgement & approval of the department head and Director of Labor Relations.

Acknowledgement and Medical Release: To be signed by employee as acknowledgement an understanding of the program. Also, authorizes the qualified health care provider to release relevant medical information.

Medical Certification of Health Care Provider: To be filled out by the qualified health care provider. Documents the medical facts surrounding the serious health condition, schedule of treatments, inability of the employee to perform essential job functions, etc.

Distribution of All Forms

Original - Personnel File (Civil Service or Human Resources/Grants Personnel)

Photocopy - Employee