

STANDARD PROCEDURE

CITY OF WILSON

PERSONNEL MANUAL

SUBJECT	NUMBER	EFFECTIVE DATE	SUPERSEDES
Family & Medical Leave (FMLA)	C-9	December 1, 2010	

Prepared By: Human Resources & Risk Services

Approved By: Agnes M. Speight, Assistant City Manager

1.0 Policy

Leave provided under the Family and Medical Leave Act (FMLA) is available to all eligible employees of the City of Wilson. In order to be eligible for FMLA leave, you must: (1) have worked for the City of Wilson for at least 12 months, which need not be consecutive months; (2) have been employed for at least 1,250 hours of service during the 12-month period prior to the commencement of FMLA leave.

If you are not eligible to receive FMLA leave from the City of Wilson, any leave taken for medical or other reasons will need to be taken only as permitted by the City's other leave policies.

2.0 Scope

All employees are covered under this policy.

3.0 Procedures

3.1 Reasons for Taking Leave

If you are eligible for FMLA leave, you are permitted to take up to 12 weeks of unpaid leave during any 12-month period, measured backward from the date you use any FMLA leave, on a rolling basis. Leave may be taken: (1) for the birth of a child, and to care for the newborn child; (2) for the placement of a child for adoption or foster care, and to care for the newly placed child; (3) to care for a spouse, child, or parent with a serious health condition; (4) due to your own serious health condition that makes you unable to perform one or more of the essential functions of your job, and (5) due to any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation ("qualifying exigency leave").

3.2 Service Member Family Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of 26 workweeks of leave during a 12 month period to care for a covered service member with a serious injury or illness. A "serious injury or illness" is defined as one incurred in the line of active duty in the Armed Forces that may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating. A covered service member is a member of Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. The leave described in this paragraph is only available during a single 12 month period. During the single 12 month period, an employee is entitled to a combined total of 26 workweeks of FMLA leave. Nothing in this paragraph limits the availability of any other FMLA leave during any other 12 month period.

3.3 An employee's FMLA leave for the birth or placement of a child must conclude within 12 months of the birth or placement.

3.4 The combined total FMLA leave of employees of the City of Wilson who are married to each other may not exceed 12 weeks during the applicable 12-month period if the leave is taken for the birth of a child or to care for the child after birth; for placement of a child for adoption or foster care or to care for the child after placement; or to care for a parent with a serious health condition. This limitation does not prohibit either employee from taking additional FMLA leave for which he or she may be eligible, such as leave to care for a child with a serious health condition or because of a serious health condition of the employee.

3.5 Intermittent or Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule when medically necessary to care for a family member with a serious health condition, because of your own serious health condition, or for service member family leave. The City of Wilson may require you to transfer temporarily to an available alternative position (including a part time position) for which you are qualified and which better accommodates recurring periods of leave than your regular position.

FMLA leave also may be taken intermittently or on a reduced leave schedule because of the birth of a child or placement of a child for adoption or foster care, but only if authorized by the Director of Human Resources & Risk Services. In determining whether to grant intermittent leave or leave on a reduced schedule in connection with the birth or placement of a child, primary consideration will be given to the nature of an employee's job duties and whether the required leave can be taken with minimal disruption to the City's operations. If you require or are permitted to take intermittent leave or leave on a reduced schedule, you must try to schedule your leave so as not to disrupt the City's operations.

Leave taken for any purpose by an employee who is eligible for FMLA leave will be designated by the City of Wilson as FMLA leave, even if the employee has not specifically requested FMLA leave. FMLA leave will run concurrently with any vacation or sick leave that the employee applies toward an FMLA absence.

3.6 Scheduling

If your need for FMLA leave is foreseeable, you must provide your manager with at least 30 days' advance notice before the FMLA leave is to begin. If 30 days' advance notice is not practicable or if your need for FMLA leave or its approximate timing is not foreseeable, notice must be provided as soon as practicable (normally within ½ hour of the start of your scheduled workday, and in any event within one or two days of learning of the need for leave). Notice should be provided by you personally, or by your spouse, an adult family member, or another responsible person, if you are unable to provide notice personally. Whenever possible, you should use the Leave Request form provided by the City of Wilson.

4.0 **Managers who receive notice from an employee that he or she needs leave that may qualify as FMLA leave are expected to contact the Director of Human Resources & Risk Services immediately, so that a determination as to the employee's FMLA eligibility and the conditions of the employee's leave may be made. Copies of any leave requests received by managers should be forwarded to the Human Resources & Risk Services Department's, Benefits Administrator. Medical certifications should not be provided to managers, but should be sent directly to the Benefits Administrator.**