

**CITY OF CORAL SPRINGS
ADMINISTRATIVE POLICY MANUAL**

CHAPTER: 06 HUMAN RESOURCES POLICIES	POLICY #: 06.11.03
SECTION: 11 MISCELLANEOUS	
SUBJECT: 03 LEAVE OF ABSENCE (FMLA)	
	OFFICE/DEPARTMENT: PERSONNEL
	EFFECTIVE DATE: 04/01/95
	CITY MANAGER: Tony O'Rourke
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POLICY

The City of Coral Springs recognizes that employees may experience the need for a Leave of Absence from their position. The City will grant a Leave of Absence not to exceed 12 weeks based upon eligibility and in compliance with the Family Medical Leave Act (FMLA) of 1993. Leaves of Absence beyond FMLA time periods or not qualified as a FMLA leave may be granted up to 12 weeks based upon mutual needs.

DEFINITIONS

LEAVE OF ABSENCE - a defined "FMLA" or "Other" leave period with or without pay when an employee is off work not due to regular annual, sick, or compensatory leaves. Leaves of absence begin from the first workday the employee is off work regardless of pay status and continue until the employee returns to regular work status. Sick, annual, and Personal Day accruals must be exhausted prior to using leave without pay during Leaves of Absences provided that usage is consistent with other such policies. An authorized Leave of Absence may be without pay if an employee does not have sufficient leave accruals to remain in pay status throughout the absence.

FAMILY MEDICAL LEAVE ACT (FMLA) - federal legislation adopted in August 1993 providing up to 12 weeks of unpaid leaves of absence for qualified circumstances and establishing employee and employer responsibilities. City policy captures the essential features of the FMLA. There are uncommon instances which FMLA applies that are not specifically defined within these provisions. In such instances, the FMLA prevails.

OTHER LEAVES OF ABSENCE - Other Leaves of Absence must not exceed 12 weeks of unpaid leave based upon mutual needs such as disability, or other good and sufficient personal reasons not connected with business ventures or outside employment. "Other" leaves may be granted when circumstances arise that do not qualify for FMLA leaves and may be rescinded if business needs change. Privileges of FMLA leaves do not apply to Other leaves.

A Leave of Absence without pay not eligible under the Family Medical Leave Act of 1993 must be considered to be in the best interests of the City in order to justify the granting of such leave; job restoration is not guaranteed for non-FMLA leaves. Human Resources will determine whether leaves qualify under FMLA.

SERIOUS HEALTH CONDITION - any personal or family member illness, injury, impairment, or physical or mental condition for any period of incapacity or treatment involving an overnight inpatient stay at a recognized medical facility; or incapacity requiring absence from work of more than three calendar days and involves continuing treatment by a health care provider; or continuing treatment by a health care provider for a chronic health condition that if not treated would likely result in incapacity for more than three calendar days, and for prenatal care. Voluntary or cosmetic treatments are covered only if overnight hospital stays are required.

DESIGNATED 12 MONTH PERIOD - 12 calendar months measured forward from the first date FMLA leave is used by the employee.

FIT FOR DUTY - the employee returning from a medically related absence is able to perform all the essential functions (with or without reasonable accommodation) of their position relative to the health condition that caused the need for the absence.

FAMILY MEMBER - includes spouse, mother, father, son, daughter (biological, adopted, foster, stepchild, legal ward). "In laws" are excluded.

ELIGIBILITY

FMLA LEAVES OF ABSENCE: Employees of the City who have worked for the City at least 1,250 hours in the last 12 months are entitled to a total of 12 weeks of unpaid FMLA leave when circumstances qualify. The top 10% highly compensated employees are considered key employees who may not be eligible for FMLA leaves.

OTHER LEAVES OF ABSENCE: Regular full time employees of the City

may be granted up to 12 weeks of unpaid absence based upon mutual needs after 30 calendar days of employment.

PROVISIONS

1. FMLA LEAVE - An eligible employee may be granted a FMLA Leave of Absence for a period not to exceed 12 weeks during the designated 12 month period for a personal serious health condition, a family member's serious health condition, childbirth and subsequent infant childcare, foster care placement or adoption. For childbirth, foster placement and adoption, the City may require that the entire 12 week Leave of Absence be taken at one time. Entitlement to FMLA Leave of Absence expires at the end of the 12 month period beginning on the date of the birth or placement. Upon returning to work from a FMLA Leave of Absence, employees will be restored to their position or an equivalent position. Human Resources determines eligibility for FMLA leaves.

When an "Other" leave extends a FMLA leave, the City will make reasonable efforts to place an employee back in the original position, or an equivalent position. However, such placement is not guaranteed.

2. REQUESTS IN WRITING - Employees must request FMLA or Other leaves in writing through their Department Director to Human Resources giving reasonable notice to the City. Employees are expected to provide as much notice as is practical for unforeseeable events. Acceptable information must accompany written requests not related to health conditions. Within 15 calendar days of requesting a FMLA Leave of Absence for any medical reason, employees must also submit a "Certification of Physician or Practitioner" form completed by the health care provider. The City may require a second or a third opinion at the City's expense.
3. RETURNING FROM LEAVE - Employees returning from a Leave of Absence as a result of a medical condition must submit a note from their physician stating that the employee is able to resume work and is fit for duty. Notes must be reviewed and approved by Human Resources prior to the employee performing their duties. If a returning employee has a condition or limitation when returning to work, (ie- light duty) then the employee shall not be permitted to work until such conditions or limitations are reviewed for reasonable accommodations and authorized by Human Resources. Situations will be authorized on a case by case basis for both occupational and non-occupational illnesses, injuries, or conditions. Any

required licenses must be valid and in effect upon returning to work.

4. SHORTENED WORK WEEK - When medically necessary, intermittent and shortened work week schedules may be authorized on a case by case basis. Such intermittent leaves may require a temporary transfer to an equivalent position in accordance with business necessity. Employees may consider a shortened work week to accommodate qualifying needs up to a total of 12 weeks of leave status.

5. LEAVE PERIOD - A Leave of Absence begins from the first full work day of absence to the date an employee returns to the regular work schedule of their position, or an equivalent position, whether or not an employee is in pay status during the absence. All Leaves of Absence exceeding fifteen (15) consecutive work days must be approved in writing. Employees must use all annual leave and sick leave accruals (for medical conditions or while under doctor's care) prior to using leave without pay status. Other policies may prevail regarding the use of accruals.

6. PLACEMENT ON LEAVE - Due to a medical condition, an employee may be placed on a Leave of Absence by the City when an employee is not capable of performing all the essential functions of his/her job even with reasonable accommodations. Human Resources shall determine the need for reasonable accommodations on a case by case basis.

7. LEAVES LESS THAN 15 DAYS - Department directors may grant a Leave of Absence without pay for less than 15 combined work days in any 12 month designated period. A department granting a Leave of Absence to an employee assumes the responsibility for securing the necessary documents to authorize a Leave of Absence and to return an employee to work. Such documentation shall be forwarded to Human Resources for confidential recordkeeping in compliance with legislation.

If a requested Leave of Absence is denied, the Human Resources Director shall be notified prior to the employee being informed of the denial.

8. LEAVES 15 DAYS OR GREATER - Requests for Leave of Absence in excess of 15 work days without pay in one 12 month designated period shall require the recommendation of the department director and the approval of the Director of Human Resources. Director level requests must also be approved by the City Manager. Once all authorizations have been obtained, the department director and the employee will be provided a copy of the authorized request via a letter from Human Resources.

9. PERFORMANCE EVALUATION AND PROBATIONARY PERIODS - Leaves of Absence of fifteen (15) combined work days or greater without pay during one 12 month designated period shall set back an employee's performance evaluation date by the number of work days missed for merit increase eligibility purposes. Rewards for performance may be adjusted on a prorated basis when such leaves without pay occur. Employees are not eligible for a merit reward or increase while on Leave of Absence. Merit increase eligibility may be considered after an employee has returned to full duty for 30 calendar days in their previous or equivalent capacity. Probationary periods shall be extended for Leaves of 15 work days or greater without pay in one 12 month designated period.

10. UNEXCUSED ABSENCES - Any leave without pay not authorized in accordance with these provisions may be considered as unexcused absences and may result in disciplinary action up to and including termination. Other policies may prevail in response to unexcused absences.

11. BENEFIT ELIGIBILITY - Employees on a Leave of Absence will be eligible for participation in any new or amended employee benefit upon return to work status for 30 calendar days. New dependents must be declared within 30 days of the event to be eligible for health benefits without proof of insurability.

For FMLA leaves, current benefits are continued under applicable policies for accruals, etc. Employees on FMLA Leave of Absence may continue insurance benefits through payroll deductions or timely submission of premium payments at employee rates (not to exceed 12 weeks) to Human Resources.

For Other Leaves of Absence, benefits may be continued for insurance benefits by submitting timely, nonsubsidized premium payments to Human Resources.

12. EMPLOYEE RESPONSIBILITY - Employees on a medical Leave of Absence have a responsibility to communicate with their supervisors during the Leave of Absence relative to their intent to return to work. An employee may be considered as having resigned without notice if no such contact is made prior to the end of the Leave of Absence and the employee fails to return to work on the first workday beyond the expiration of the Leave of Absence.

Employees on a Leave of Absence are also responsible for contacting the Human Resources Department for information regarding insurance payments or other applicable employee benefit/401a payments.

13. RESIGNATION DATE - The date of notice by a resigning employee will be considered the resignation date for employees who resign during or at the end of a Leave of Absence.

ADMINISTRATIVE REPEAL

This policy shall supersede and replace all prior policies and procedures on this same subject, Leave Without Pay, including but not limited to "Maternity Leave: promulgated on May 12, 1975, and Section 10, "Leave Without Pay" promulgated on May 16, 1975, both of the former Personnel Rules and Regulations and Administrative Policy 06.11.03 promulgated on July 1, 1985.