

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 111.07
SUBJECT: APPROVED LEAVE	INITIAL EFFECTIVE DATE: 06/05/2018
TITLE: NON-FMLA MEDICAL LEAVE	LAST REVISION DATE:

POLICY STATEMENT

Employees who do not meet the eligibility requirements of the Family and Medical Leave Act (FMLA), or who have exhausted FMLA benefits, may request Non-FMLA medical leave (“medical leave”). This leave is only available for an employee’s own serious medical condition. All sick and vacation accruals will run concurrently with the leave. This policy may run concurrently with ADA, where applicable.

ADMINISTRATIVE PROCEDURES

- A. Medical leave granted under this directive will be with pay provided the employee has accrued balances (e.g. sick and/or vacation accruals).
- B. Medical Leave
 - 1. An employee who has exhausted leave under the FMLA and who continues to suffer from a serious health condition may request medical leave under this directive.
 - 2. All requests for medical leave due to an employee’s own medical condition must be in writing and requires the approval of the Human Resources Director or designee.
 - 3. The employee may be required to provide a medical certification from their treating physician in support of the employee’s request for a medical leave.
- C. Application: Medical Leave
 - 1. Approval of medical leave will be based on the medical certification, departmental business needs, and any other relevant factors.
 - 2. Prior to employee taking the leave, it must be authorized by the employee’s supervisor and Human Resources.
- D. Employee’s Responsibilities
 - 1. Sufficient and Accurate Information: Employees must give sufficient and accurate information so

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that a determination can be made as to the employee's eligibility for a medical leave under this directive.

2. Notice: Employees must provide their supervisor with advanced notice as practicable and in accordance with the Department's normal call-in procedures for leave. Provided the employee has advanced notice that employee will have to be out on leave, employee should give the City thirty (30) days advanced notice or as much notice as possible, when the leave is foreseeable.
3. Compliance with Call-In Procedures: Employees must comply with their Department's normal call-in procedures for reporting absences, tardiness, and requesting leave, e.g., making contact with the appropriate supervisor by a certain time. Employee may be subject to disciplinary action in accordance with City policy provided the employee fails to comply with the Department's normal call-in procedures and is unable to provide an explanation that warrants no disciplinary action.
4. Medical Certification: In all instances where the Human Resources (HR) Director, or designee, requests a medical certification from an employee, it is the employee's responsibility to provide a complete and sufficient medical certification supporting the need for the City to grant such leave due to a medical condition. The certification must set forth the beginning and ending dates of the medical leave, the duration of the treatments resulting in the need for either consecutive or intermittent leave, and the expected return to work date.
 - a. Second/Third Opinion: In some instances, the HR Director, or designee, may require a second or third medical opinion (at the City's expense).
 - b. Recertification: the HR Director, or designee, may request the employee to periodically recertify the need for medical leave.

E. Continuation of Benefits

1. Health Insurance: During any period of an approved medical leave under this policy, the City will continue to pay its portion, if any, of the insurance coverage for the employee on the same terms as if the employee continued to work. However, the employee must timely pay their portion of the insurance premiums. Provided the employee fails to pay their portion timely, the City will cease paying its portion until the employee makes the payments or returns to work. The City may recover premiums it paid to maintain coverage for the employee who failed to return to work.
2. Benefits Accruals: Vacation/bonus time and sick leave will not accrue during an employee's unpaid leave status. Employees will not receive death in the family leave pay, holiday pay, or any other paid leave benefit during an unpaid leave status. These benefits will resume upon the employee's return to work.
3. Retirement Contributions: Contributions to the retirement fund will cease when an employee is

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on unpaid leave and will resume upon the employee's return to work.

4. Compensation: If an employee does not perform their job duties for three (3) consecutive months or longer, performance increases may be pro-rated.

F. Other Employment

Provided an employee is absent due to consecutive medical leave, and the employee asserts they are unable to perform their job duties, the employee is prohibited from engaging in outside employment that conflicts with their medical restrictions.

G. Misuse of Leave

An employee who misuses or fraudulently obtains medical leave will be subject to disciplinary action including, but not limited to, dismissal of City employment. An employee failing to return from medical leave on the specified date, without notifying the approving authority and receiving approval for a leave extension, may be considered to have abandoned their job as outlined in policy 110.01 (Absenteeism/Tardiness).