

SUBJECT: FAMILY AND MEDICAL LEAVE**SECTION:** 103.16**REVISED:** MARCH 1, 2008**PAGE(S):** 3

PURPOSE

The purpose of this policy statement is to set forth the conditions under which employees may apply for and be granted leaves of absence for family and medical reasons under the Family and Medical Leave Act of 1993. It does not apply to leaves for any other purposes.

REFERENCES

City of Reading - Family and Medical Leave Policy

DEFINITIONS

A “***serious health condition***” is defined as a condition which requires in-patient care in a hospital, hospice, or other residential medical facility, or which requires continuing care by a licensed health provider such as a physician, podiatrist, dentist, psychologist, chiropractor, nurse-practitioner, or nurse-midwife.

POLICY

The City of Reading will grant requests for leaves of absence of up to 12 weeks for family and medical requirements when such leave requests qualify under the terms of this policy.

This policy applies only to those employees who:

- a) Have worked for the City of Reading for a minimum of twelve (12) months; and
- b) Have worked a minimum of 1250 hours during the twelve (12) month period immediately before the date when a requested leave would begin.
- c) The required twelve (12) month period need not be consecutive.

For purposes of this policy, a husband and wife both working for the City of Reading are considered one person and may therefore take a total of twelve (12) weeks of leave between them.

Family and medical leave may be taken for the following purposes:

- a) In case of the birth of a child, the adoption or foster care of a child; or

- b) To care for a child, spouse or parent (including a person who raised the employee during the employee's childhood) who has a serious health condition; or
- c) In case of a serious health condition of the employee which makes it impossible for the employee to perform the essential functions of his or her job.

There shall be no exceptions to this policy. The Safety/Service Director may make interpretations of this policy.

PROCEDURE

- A. Pay during leave. The employee must use whatever paid leave time (i.e. vacation and sick leave) they have accrued before going on a non-pay status. This paid time is included in calculating the twelve (12)-week limit on family and medical leave.
- B. Calculation of available leave time. The City of Reading calculates available leave time for any employee requesting family or medical leave by first determining how much family and medical leave the employee has taken in the immediate preceding twelve (12) months, then subtracting that time from the maximum allowable twelve (12) weeks. Thus, for example, if an employee takes four weeks of family or medical leave in September, 1993, and then seeks for another leave in June, 1994, the maximum leave possible for beginning in June, 1994 would be eight (8) weeks.
- C. Status of employee benefits during unpaid leave. During any leave for which paid is allowed, benefits continue as usual. During any unpaid portion of family and medical leave, health benefits and life insurance continue. The City of Reading will temporarily cover the entire premium; upon return to work, the employee must reimburse the City of Reading for what would have been the employee share of these premiums. At the expiration of a leave, the employee will be billed for the insurance premiums the City of Reading paid on his/her behalf during the leave. Reimbursement may be made through payroll deductions.

No additional sick leave or vacation credits will accrue during an unpaid family and medical leave. No additional seniority accrues during an unpaid absence, but the employee retains whatever seniority credit held prior to the leave.

Membership in the health or life insurance plan ends with a failure to return at expiration of leave, subject, of course, to the requirements of COBRA.

- D. Return to duty. The City of Reading will make every reasonable effort to return an employee to the same position occupied before the leave. When this is not feasible, in the opinion of the City, a returning employee will be assigned to an equivalent position at the same pay. If the employee returns with a serious health problem, the City of Reading will make reasonable accommodations, if possible, to the employee's physical condition.
- E. Intermittent leave or reduced work schedule. If an employee can take care of family or medical obligation without complete absence from work (i.e. needing two afternoons a week for therapy or for transporting a parent or child for therapy), the employee should talk first with his/her supervisor, then with the Safety/Service Director to discuss suitable arrangement. ****The Act permits leave for such purposes, but also recognizes that the employer may have to transfer the employee to a different assignment in order to make such intermittent leaves possible; such schedules, if needed, must be evolved on an individual basis.* The maximum amount of time off under these circumstances is the equivalent of twelve (12) weeks, full-time, or in the case of a part-time employee, prorated to the appropriate full-time equivalent.
- F. Requesting family or medical leave. When possible, an employee requesting family or medical leave should request such leave thirty (30) days in advance of the start of the leave. When this is not possible, the City will waive this requirement for good reason.

Any employee needing family or medical leave must first discuss this need with his/her supervisor, then with the Safety/Service Director. The latter will provide the employee with a form on which to apply for leave, and a certification form to be completed in part by the employee and in part by the employee's health care provider. This form must be returned to the Safety/Service Director. The employee may also be required to furnish additional relevant information.

In case of an extended (i.e., four weeks or more) leave, the employee must maintain regular contact with his/her supervisor and advise of any changes in the conditions requiring leave. Not less than thirty (30) days before the leave expires, the employee must also advise the supervisor of his/her intention to return to work, and the expected date of return. Any employee who decides not to return to work should see the Safety-Service Director.