



CITY OF IOWA CITY

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CITY OF IOWA CITY FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

FMLA requires covered employers to provide unpaid, job protected leave to "eligible" employees for certain family and medical reasons. The following policy is to be read and interpreted in conjunction with applicable collective bargaining agreements and City policy.

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth;
- To care for the employee's child after birth, or placement with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Human Resources can assist in determining whether an event is a qualifying exigency.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active military duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the City must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Employees are required to pay any premium contribution which is their responsibility during the period of leave. The City will work with employees to make payment arrangements.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility

Permanent and temporary employees who have worked for the City for a total of at least twelve months and who have worked 1250 hours over the 12 months preceding the leave qualify under the FMLA. Maximum leave and eligibility are calculated based on a "rolling" twelve month period measured backward from the date an employee uses any leave.

When two spouses are employed by the City, their aggregate leave is limited to twelve weeks during any

twelve month period for the birth and care of a newborn child, for placement of a child with the employee for adoption or foster care or for any combination of the two. In the event of leave to care for a covered servicemember, the aggregate leave for two spouses employed by the City is limited to the combined total that each is eligible to take up to an aggregate limit of 26 weeks.

Leave Conditions

When medically necessary, leave can be taken intermittently or on a reduced schedule. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

The City reserves the right to require a second medical opinion and to temporarily assign employees to a different job while they are on intermittent leave or a reduced-work schedule.

Intermittent leave or leave on a part-time schedule for the birth and care of a child or placement of a child with the employee for adoption or foster care is not required by the FMLA and is subject to the City's approval. Such leave must conclude within twelve months of the birth or placement.

Employee Responsibilities

Employees must provide thirty days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the department's normal call-in procedures.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

The City has the right to designate a qualifying leave as FMLA notwithstanding lack of advance notice, the absence of a request by the employee, or lack of a doctor's certificate.

Certification Requirements

Employees requesting or placed on FMLA leave are expected to provide certification to substantiate the FMLA designation. Certification forms are available in Human Resources and should be submitted within fifteen days of the request or designation. Failure to provide certification may result in denial of FMLA designation, however, refusal to provide certification does not negate the City's right to designate an absence as FMLA leave.

Employees who take leave for their own serious health condition are required to provide certification from their health care provider that they are able to resume working. Return to work may be delayed until such certification is provided. Unless alternative arrangements have been approved by the City, failure to return to work at the end of an approved FMLA leave may result in termination of employment.

Substitution of Paid Leave for Unpaid Leave

City employees are required to use all applicable accruals in the event of an FMLA leave. Following exhaustion of applicable accruals, the remainder of the leave will be unpaid. The total time granted any employee for any reason or combination of reasons under FMLA is twelve weeks (26 in the case of leave to care for a covered servicemember) including paid and unpaid leave time. Applicable accruals are defined as those allowed by and subject to the provisions of the appropriate collective bargaining agreement or the Administrative and Confidential Employees Benefits Handbook.

Reinstatement Rights

Upon return from FMLA leave, eligible employees are entitled to be restored to their former position or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Highly compensated employees. The City may deny restoration to any salaried employee who is among the highest-paid 10% of its employees if the denial is necessary to prevent substantial and grievous

economic injury to operations. The City must notify the employee of its intent to deny job restoration at the time leave is requested or when the City determines that such economic injury would occur. The employee must be given the opportunity to return to employment after receiving such notice.

Prohibited Acts

The FMLA makes it unlawful for the City to interfere with, restrain, or deny the exercise of any right provided under the FMLA. It is also unlawful to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to FMLA.

Please contact Human Resources if you have any questions or need FMLA leave forms.