

Family and Illness Leave

PURPOSE:

To establish procedures for granting leaves for employees due to the birth or adoption of a child, to care for a spouse, parent or child with a serious illness, or for the serious illness of the employee.

REFERENCES:

Sate ABC " ABC Act of 1991" and subsequent regulations.

Federal "ABC Act of 1993" and subsequent regulations.

Employer ABC Leave of Absence Policy.

State ABC Government Code Section 00000, "Pregnancy, childbirth or related medical condition.".

DEFINITIONS:

Family and Illness Leave is paid or unpaid time away from work due to

- Birth or adoption of a child
- Care for a spouse, child or parent with a serious illness
- Serious illness of the employee, including job-related injuries and disability due to pregnancy

State ABC Family and Illness Leave is the same as Federal Family and Illness Leave except disability due to pregnancy is not included.

Family and Illness Leave used in this policy means both Federal and State Family and Illness Leave.

Pregnancy Disability Leave is taken when a woman is disabled due to pregnancy.

Child includes a biological, adopted or foster child, a step child, a legal ward or a child of a person standing in the place of a parent who is either under age 18 or is an adult dependent child.

Parent includes biological, foster, or adoptive parent, a stepparent or legal guardian.

Spouse is the person to whom a city employee is legally married.

Serious health condition is an illness, injury, impairment or physical or mental condition requiring either inpatient treatment at a hospital, hospice or residential care facility or continuing treatment or supervision by a health care provider.

POLICY:

Employees employed for 12 months and have worked over XXXX hours in the previous 12 months, may take a paid Family and Illness Leave for up to 12-weeks per year in the case of an employee illness or injury. Pay is at the employee's current rate of pay and is based on his/her regular weekly schedule/salary.

Employees employed for 12 months and have worked over XXXX hours in the previous 12 months, may take an unpaid Family and Illness Leave for up to 12-weeks per year. Family and Illness Leave, as an unpaid status, is a reason for absence from work for the reasons outlined above.

The amount of Family and Illness Leave granted will be based on the amount of Family and Illness Leave taken in the 12 months preceding the request for leave, the amount of time requested, and in all cases of serious health condition, adequate medical certification.

Under State law, pregnant employees are eligible for up to 16 weeks of unpaid Pregnancy Disability Leave. Family and Illness Leave runs concurrently with Pregnancy Disability Leave. The 12-weeks of Family and Illness Leave begins at the end of the pregnancy disability period.

Family and Illness Leave may be taken intermittently, or for less than a full day.

An employee returning to work from Family and Illness Leave, subject to the exception below, shall return to the position held at the beginning of the leave, or to an equivalent position with equivalent pay and benefits.

- An employee has no right to return to the same or equivalent position if the position and any comparable positions are eliminated for legitimate business reasons during the employee's Family and Illness Leave.
- An employee in the highest paid 10 percent of all employees may be denied the option to return to his or her position if the denial is necessary to prevent substantial economic injury to the Employer and the employee is so notified before the leave begins.

Employees on a Family and Illness Leave will continue to have the Employer's portion of the cost for health insurance paid by the Employer during the leave period. This 12-week period includes time the employee is on a paid and/or unpaid leave. Health insurance includes medical, vision, and dental insurance, and participation in the Employee Assistance Program.

This policy does not provide leave for child care when a spouse is ill or injured.

It is against policy and state and federal law to discriminate against an individual because he/she has:

- Exercised his or her right to family care leave
- Given information or testimony regarding his or her family care leave in an inquiry or proceeding relating to any right guaranteed by law.

PROCEDURE:

The employee's supervisor shall send a Family and Illness Leave Acceptance Memo to the employee. A supervisor may verbally notify an employee and then send a notice and the Family and Illness Leave period starts when the employee is notified.

- This memo will advise the employee with notice that the leave is approved.
- The supervisor must complete this memo for all Family and Illness Leaves, paid or unpaid, and deliver it to the employee promptly.

Factors to consider for Family and Illness Leave associated with pregnancy, birth or adoption of a child:

- A woman is eligible for up to 16 weeks of leave for medical conditions related to a pregnancy disability.
- Family and Illness Leave runs concurrently with Pregnancy Disability Leave.

ACTUAL POLICIES ARE MICROSOFT WORD FORMAT & ARE FULLY CUSTOMIZABLE

- Employees on Pregnancy Disability Leave must use sick leave and may elect to use vacation and compensatory time prior to commencing the leave.
- The 12-week Family and Illness Leave begin at the end of the Pregnancy Disability Leave.
- The Employer will assume the Pregnancy Disability Leave ends 6 weeks after the birth unless otherwise notified by the employee.
- Eligibility for Family and Illness Leave to care for a newborn or newly adopted child does not need to be taken immediately, but ends one year after the date of birth or adoption.

Requests for leave to care for a spouse, parent or child with a serious health condition or the employee's own serious health condition will be evaluated using the guidelines listed below.

- Sick Leave can be used for up to XX weeks.
- When an employee has no remaining leave balances (Paid or unpaid), a request for leave without pay can be requested in accordance with the City's Leave of Absence Policy.

When a leave is requested for the serious illness of a family member of the employee, the employee shall provide medical certification. The certification must include the date, if known, on which the condition commenced, the likely length of the condition, an estimate of the time the employee needs to care for the individual, and a declaration that the condition warrants the employee provide care during treatment.

When a leave is requested for the serious illness of the employee, the certification shall include the date, if known, on which the condition commenced, the likely length of the condition, and a declaration that the employee is unable to perform the functions of the position.

- The supervisor may require the employee to obtain the opinion of a 2nd health care provider. If the 2nd opinion differs from the 1st, the supervisor may require the employee to obtain a 3rd opinion, approved by the Employer and the employee. The 3rd opinion shall be final and binding. 2nd and 3rd opinions will be obtained at the Employer's expense.

The employee shall give the supervisor 30 days advance written notice of a leave when the need for the leave is known in advance. In special circumstances, the advance may not be required. Decisions are made on a case by case basis on a "without prejudice" basis.

Leave requests are evaluated on a case by case basis. If leave time requested extends beyond the 12-week Family and Illness Leave period, the needs of the department, the needs of the employee and the ability to provide coverage in the employee's absence must be considered in evaluating the request.

ACTUAL POLICIES ARE MICROSOFT WORD FORMAT & ARE FULLY CUSTOMIZABLE