

	<h1 style="color: blue;">City of Helena</h1> <h2 style="color: blue;">Personnel Policy</h2>	Policy number	3-7
		Original Adoption	02-09-1987
		Revision #	11
		Last revision date	February 2016
Section Title	Employee Leave Administration		
Subject	Family and Medical Leave		

Eligibility

In accordance with the Family and Medical Leave Act revised 2012, an employee will be considered eligible to apply for up to twelve (12) “work weeks” (equivalent of 480 hours) of paid/unpaid leave in a rolling twelve (12) month period beginning with the first day of the requested leave if:

- The employee has been employed a total of at least 12 months prior to leave; and
- Has worked 1250 hours (exclusive of vacation, sick leave, and holidays) in the 12 months preceding leave time.

Covered Reasons

Eligible employees may take up to 12 workweeks (480 hours) of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a “single 12-month period” to care for a covered service-member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service-member. The “single 12-month period” for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

Workers Compensation

Leaves of absence taken in connection with a qualifying workers’ compensation injury or illness will run concurrently with any FMLA leave entitlement.

Notice

The employee must request the leave at least 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

Certification

A medical certification will be required for leave due to family or employee medical illness, and must be presented at the time the leave is requested. However, no medical certification is required in the event of birth or placement of a child. A medical certification will be required before an employee may return to work except in cases of birth or the adoption of a child.

Job Restoration and Health Benefits

Prior to being granted leave without pay under this section, an employee must exhaust all paid sick leave. In the event of the birth or adoption of a child the employee need not exhaust all paid sick leave (See Policy 3-2).

Health insurance benefits provided by the City for all eligible employees will be continued, at no cost to the employee, as though the employee had continued working during the term of any leave under this

section. Any additional medical insurance coverage not normally covered by the City, such as dependent coverage, must be paid by the employee during any such leave in order to continue coverage.

Failure to return at the end of an approved FML will be treated as abandonment of position.

The City Manager will be notified of any FMLA leave involving Leave Without Pay (LWOP).

Every effort will be made to allow for the employee's return to the same position held prior to the leave. If that position is filled because of business necessity, the employee will be placed in a comparable position. The only exception would be if the City experienced a staff reduction during the leave period.

Changes to the Family and Medical Leave Act at a federal level that offer greater benefit than that of City policy would take precedence over policy.