

CITY OF WINONA FAMILY AND MEDICAL LEAVE POLICY

Statement of Purpose

This policy is designed to implement the provisions of state and federal laws relating to Family and Medical leave. Those laws are generally designed to permit employees to receive designated leave to recover from a personal serious health condition, to care for a new natural or adopted child, or to care for a family member who has a serious health condition.

Family and Medical Leave Procedures

The City of Winona will use the following procedures in furtherance of its effort to implement family and medical leave policies.

1. **ELIGIBILITY.** An employee is eligible for Family and Medical Leave (FML) if the employee has been employed for at least 12 months and has worked a minimum of 1,250 hours during the 12-month period preceding the commencement of the leave.
2. **APPLICATION FOR LEAVE.** A written request for FML leave shall be made to the City Manager. If possible, the employee shall give 30 days advance notice to the City Manager when the need for FML is foreseeable. If not possible, the employee shall provide written notice as soon as practicable.
3. **CITY'S RESPONSE TO REQUEST.** When an employee requests FML, the employer will provide the employee with the following:
 - Notice describing the employee's obligations and explaining the consequences of a failure to meet the obligations.
 - A copy of this policy
 - Notice that the leave will be counted against the employee's twelve weeks of FML.
 - Requirements concerning payment of health insurance premiums.
4. **PURPOSE FOR LEAVE.** FML may be granted for any of the following reasons:
 - a personal serious health condition that makes the employee unable to perform the functions of his or her position;
 - the birth, adoption, or foster care placement of a child; or
 - the care of a family member (spouse, child or parent) who has a serious health condition
5. **LENGTH OF LEAVE.** Total FML may not exceed 12 weeks in any 12-month period. The leave for the birth or placement of a child must be taken within 12 months after the birth or placement of the child, although circumstances may require that leave be initially taken prior to actual birth or placement. FML arising from a serious

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health condition may be taken intermittently or on a reduced schedule if the leave is deemed to be medically necessary. The 12-month period begins on the first day the employee is absent from work or works reduced hours on FML.

6. **MEDICAL CERTIFICATION.** Employees who request FML based on a personal serious health condition must submit medical certification outlining the dates on which treatment is expected and the expected duration of the treatment. **When FML is requested to care for a family member, the City may request medical certification that specifically states the employee is needed to care for the relative.** The City may request a second or third opinion from a medical provider of its choice relating to medical certification issues, at the City's expense. **The City requires a fitness for duty report upon the employee's return to work following FML for a personal serious medical condition.**
7. **LEAVE PRIORITY.** The FML provides for unpaid leave. The employee can request a paid leave such as paid personal, vacation or sick leave. The City may grant paid leaves pursuant to the appropriate City policy and applicable collective bargaining agreements. The City may require an employee to use paid personal or sick leave for all or part of FML. All paid leave time counts toward the twelve weeks of FML.
8. **EFFECT ON HEALTH CARE BENEFITS.** All health care benefits will continue to be paid by the City for an employee who is on FML at the same level as if the employee were working. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction during a paid leave or by personal check during an unpaid leave. **Failure to make contributions may result in the loss of medical benefits. Should coverage be lost during an FML absence, coverage will be reinstated upon return to work.**
10. **OPTIONAL BENEFITS.** The City is not obligated to continue optional benefits such as life or dental insurance. The City will continue these benefits provided the employee makes continued contributions to the cost of coverage during the FML. **Coverage that is discontinued during a period of FML will be reinstated upon return to work.**
11. **EFFECT ON OTHER BENEFITS AND SENIORITY.** Use of approved FML will not constitute a break in service for purposes of computing years of service. Personal, vacation and sick leave will not be earned during a period of unpaid FML leave.
12. **WORKERS COMPENSATION.** Time away from work for an injury sustained on the job will result in the concurrent use of FML should the absence exceed 3 consecutive days.

13. **RETURN TO WORK.** The employee returning from FML is entitled to be restored to the same position and shift that the employee held when the FML leave began, or to an equivalent position and shift with equivalent benefits, pay and other terms and conditions of employment. The City requests a minimum of three (3) working days notice of the employee's intent to return. For leaves due to a personal, serious health condition, a fitness for duty statement must be provided before the employee's position will be restored.
14. **POLICY STATEMENT.** This general policy statement and procedure is for information purposes and is not meant to increase or decrease the benefits actually available under the state and federal Family and Medical Leave laws.

Adoption and Legal Effect

This family and medical leave policy has been adopted by resolution of the City of Winona and is effective upon passage of that Resolution by the City Council. Nothing contained in this policy is intended to create a contract between the City and any of its employees, nor is its adoption intended to create any additional legally enforceable rights by others against the City of Winona. It is intended as a statement of principle and may be revised as the City may deem appropriate.