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| CITY OF WINONA WINONA, MINNESOTA ADMINISTRATIVE PROCEDURE | NUMBER: 104-7 | REVISED: 0 | PAGE <u> 1 </u> OF <u> 3 </u> |
| | SUBJECT: FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA) | | |

1.0 POLICY

The Family Medical Leave Act was created to protect an employee's job during a qualified leave. The City of Winona will strictly adhere to the policy. **This Administrative Policy is an overview of the procedures for FMLA and is not to be construed as the Family Medical Leave Act of 1993.**

2.0 ORGANIZATIONS AFFECTED

Any employee who has been employed by the City for 12 months or more and has worked a minimum of 1,250 hours in the past 12 months.

3.0 ADMINISTRATIVE INFORMATION

3.1 What reasons may an employee take FMLA leave?

- ◆ For the birth, adoption, or foster care placement of the employee's child;
- ◆ To care for a spouse, child or parent of the employee, with a serious health condition;
- ◆ A serious health condition that makes the employee unable to perform the functions of his/her position with the City.

3.2 What is a serious health condition?

Examples of a serious health condition include:

- ◆ A hospitalization;
- ◆ Surgery;
- ◆ An injury;
- ◆ A health condition lasting more than three consecutive days;
- ◆ A Worker's Comp injury;
- ◆ A chronic health condition which continues over an extended period of time and requires the employee to be gone periodically or reduce their work schedule.

3.3 How long is FMLA leave?

The City must grant eligible employees up to a total of 12 weeks of FMLA leave during a 12-month period. The 12-month period begins on the first day an

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employee is absent on FMLA leave.

3.4 Does the employee need to give the City any notice before taking FMLA leave?

Employees are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable.

3.5 Can FMLA leave be taken intermittently (meaning taking leave in blocks of time or reducing the normal work schedule)?

- ◆ FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member or because of the employee's serious health condition. A health care provider must certify the need for intermittent leave.
- ◆ FMLA regulations do not require that an employer must grant intermittent leave for the birth/adoption of a child; however the City will allow intermittent leave to be taken in **two blocks of time, with the first block of time being taken immediately following the birth/adoption.** Intermittent FMLA leave for the birth/adoption of a child is at the discretion of the City Manager or designated representative.

3.6 Is FMLA leave paid or un-paid?

It can be either. A common misconception is that FMLA leave does not start until all paid leave is exhausted. FMLA leave is determined by the reason for the leave, not the availability of paid leave time. If the employee has leave time (sick and vacation) he/she may be required to use that paid time during the FMLA leave.

4.0 PROCEDURES

4.1 Determine if the leave is *possibly* an FMLA leave:

- ◆ Is the leave for the birth, adoption or foster care placement of the employee's child?
- ◆ Is the leave to care for a spouse, child or parent of the employee, with a serious health condition?
- ◆ Is the leave for the serious health condition of the employee?

4.2 The supervisor shall provide the employee with a copy of the City of Winona Family and Medical Leave Policy and the City of Winona Family and Medical Leave

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Request for Leave.

- 4.3 The employee can return the request form directly to the Benefits Coordinator. If the employee returns the request to the supervisor, it must be forwarded to the Benefits Coordinator.
- 4.4 The City Manager, or designated representative, will have final approval for all FMLA leave requests.
- 4.5 If the employee is requesting FMLA leave in advance, he/she should also complete a Timesheet(s). If advance notice is not possible, the supervisor is responsible for completing the Timesheet(s).
- 4.6 In addition, a Personnel Action Form will need to be completed under the following circumstances:
 - ◆ If the employee is requesting a reduced work schedule for the FMLA leave;
 - ◆ If the employee will be taking all, or a portion of, the FMLA leave **UNPAID**.
- 4.7 If the employee is taking FMLA leave for their own serious health condition, that employee will be required to have written documentation from his/her health care provider to return to work. The City's Health and Safety Coordinator will coordinate all return to work issues. Please see Return to Work Policy.

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