

CITY OF SAINT PAUL FAMILY AND MEDICAL LEAVE ACT POLICY

1. STATEMENT OF POLICY:

In accordance with the Federal Department of Labor's Family and Medical Leave Act (FMLA), the City of Saint Paul will grant job protected unpaid family and medical leave to eligible City employees for up to twelve (12) weeks per continuous twelve (12) month period for any of the following four reasons:

- Birth, adoption or foster care placement of a child;
- To care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition; or
- For the employee's own serious health condition which makes the employee unable to perform the functions of the employee's job.
- A qualifying exigency arising out of the fact that a family member is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

The City of Saint Paul will grant job protected unpaid family and medical leave to eligible City employees for up to twenty-six (26) weeks per twelve (12) month period for the following reason:

- You are a family member of a covered service member with a serious injury or illness.

2. DEFINITIONS:

"Twelve (12) Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

"Spouse" – is defined as by in a legally-recognized marriage in the State of Minnesota. If both spouses work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks under certain conditions.

"Child" – means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step-child.

"Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:

- Inpatient care; or
- Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
- Prenatal care by a health care provider.

"Continuing Treatment" – means:

- Two or more visits to a health care provider; or
- Two or more treatments by a provider of health care services on referral from, or under the direction of, a health care provider; or
- A single visit to a health care provider that results in a regimen of continuing supervision of, but not necessarily being actively treated by, a health care provider.

3. COVERAGE AND ELIGIBILITY:

To be eligible for family/medical leave, an employee must have worked for the City of Saint Paul for at least twelve (12) months, and must have worked at least 1250 hours over the previous twelve (12) month period.

4. NOTICE REQUIREMENT:

An employee is required to give at least a thirty (30) day notice in the event of a foreseeable leave. A “Request for Family/Medical Leave” form should be completed by the employee and returned to the Office of Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable.

If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until thirty (30) days after the employee provides notice.

5. CERTIFICATIONS:

For all FMLA leaves, the employee must complete the applicable certification form and return it to Human Resources. Certification must be provided by the employee within fifteen (15) days after requested, or as soon as is reasonably possible.

The City of Saint Paul may require a second medical opinion (at the City’s expense), periodic reports on the employee’s status and intent to return to work, and a fitness-for-duty report to return to work.

All documentation related to the employee’s or family member’s condition will be held in strict confidence and maintained in the employee’s medical records file.

6. JOB PROTECTION:

If the employee returns to work following the approved family/medical leave period, the employee will be reinstated to the employee’s former position or an equivalent position with equivalent pay, benefits, status, and authority.

The employee’s restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee’s position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the employee fails to return within the maximum FMLA entitlement period following a family/medical leave, the employee will be reinstated to the employee’s same or similar position, only if available, in accordance with applicable laws. If the employee’s same or similar position is not available, the employee may be terminated.

7. INTERMITTENT OR REDUCED LEAVE:

If “medically necessary,” due to the serious medical condition of the employee or that of the employee’s spouse or child or parent, leave may be taken on an intermittent schedule. If leave is requested on this basis, however, the employee may be required to transfer temporarily to an alternative position with equivalent pay and benefits which better accommodates recurring periods of absence or a part-time schedule.

“Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a “pro-rata” basis. A weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave should be used for calculating the employee’s normal work week.

8. PAY DURING FMLA LEAVE:

The FMLA law does not provide employees with pay during leave. Employees using FMLA for the birth, adoption or placement in foster care of a child will receive paid parental leave in accordance with the Paid Parental Leave Policy. Employees may use short term disability (if eligible). Employees are required to use accrued sick, compensatory time and vacation in the following order:

1. Sick leave (as allowed by applicable bargaining unit agreement and/or applicable policies) until the available accrued sick leave balance is depleted to 40 hours,
2. Compensatory time,
3. Vacation time until the available accrued vacation balance is depleted to 40 hours.

All time in excess of 5 days of sick and/or vacation, including all compensatory time must be used in the order stated above.

If an employee is enrolled in short term disability their pay will be coordinated with the short term disability vendor so that it does not exceed 100% of their gross pay.

An employee may request unpaid leave provided it does not exceed the maximum FMLA entitlement period.

It is the employee's responsibility to communicate with his or her supervisor and payroll how they would like to use paid time available to them while on FMLA leave.

All types of leave, whether paid or unpaid, taken for a reason covered by the FMLA will run concurrent with FMLA leave. Please note: A twelve month unpaid parental leave of absence without pay, with possibility of extension for an additional twelve months is allowed under Civil Service Rule 19 for natural or adoptive parents when requested in conjunction with the birth or adoption of a child.

9. BENEFITS COVERAGE:

An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Employee contributions will continue to be deducted from their paycheck as long as they are receiving pay through sick, vacation, compensatory time and/or paid parental leave. Should an employee exhaust all paid time off the employee will be billed by the benefits administrator. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is not paid by the due date on the bill the employee's coverage will lapse.

An employee is not entitled to seniority or benefit accrual (such as vacation and sick leave) during periods of unpaid leave, but will not lose anything accrued prior to leave.

To apply, or to request further information, please contact the:

Human Resources - Benefits
200 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102
or call (651) 266-6498

Download the following forms:

[Family Medical Leave Forms – Employee \(PDF\)](#)

[Family Medical Leave Forms – Family Member \(PDF\)](#)

[Request For Family Medical Leave-Care for ServiceMember \(PDF\)](#)

[Request for Family Medical Leave - Qualifying Exigency \(PDF\)](#)

(FMLA Policy – March 12, 1996)

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