

**CITY OF SOUTHFIELD
FAMILY AND MEDICAL LEAVE ACT OF 1993
"FMLA"
POLICY AND PROCEDURES**

The Family and Medical Leave Act (FMLA) of 1993 provides federal protection for qualified employees who must be absent from work for a specific variety of reasons. FMLA leave refers only to leave resulting from the statutory FMLA reasons: 1) birth of a child; 2) placement of a child due to adoption or foster care; 3) leave required due to one's own serious medical condition; or 4) leave required to care for a seriously ill spouse, son, daughter, or parent. Definitions for terms used herein will be based upon the definitions provided in the Department of Labor regulations regarding the Family and Medical Leave Act of 1993. FMLA protections include a guaranteed right to the leave, maintenance of health insurance benefits, and reinstatement rights. FMLA leave runs concurrently with other paid leaves, and does not provide additional paid time off beyond that specified in existing rules or contract provisions.

1. The "Rolling" 12 month method will be used for determining one's eligibility for the full 12 week entitlement under the Act. Upon a request for FMLA, the City will look backwards to the previous 12 month period (dating back from the beginning date of the leave). Any FMLA leave that was used during that 12 month period will be deducted from the employee's 12 week entitlement for leave.

For example, if the employee had already used 4 weeks of FMLA leave in the 12 month period prior to the start date of the leave in question, a maximum of 8 weeks of FMLA leave would be authorized.

2. Employees are eligible for FMLA leave if they have worked for the City of Southfield for 12 months and have at least 1250 hours of service in the 12 month period prior to the starting date of the Leave. For FMLA calculation purposes, time off due to vacation leave, sick leave, reserve sick leave, worker's comp and unpaid absences only will be deducted from the employee's hours of service. There will be no deduction from hours of service for holidays, comp time, military leave, jury duty, or other paid administrative leave.
3. In the case of leave taken for one's own illness, the City requires that the employee utilize all available leave banks under the regular leave usage rules (sick leave, reserve sick leave, and/or vacation; comp banks and personal business leave used at employee's discretion). Entitlement for this leave will be subject to FMLA limitations as identified in #1 and #2 above; usage of this leave will be deducted from the employee's 12 week entitlement for FMLA, beginning with the 15th calendar day of continuous absence, or the date the employee exhausts all appropriate leave banks, whichever occurs first. Proper documentation and notice will be required. Certification forms are available in the Human Resources Department.
4. In the case of leave taken to care for a seriously ill spouse, child, or parent, the City requires the employee to utilize all available leave banks under the regular leave usage rules (regular sick leave and/or vacation leave; comp banks and personal business leave used at employee's discretion). Note: Reserve sick leave is not available for this usage. Entitlement

for this leave will be subject to FMLA limitations as identified in #1 and #2 above; usage of this leave will be deducted from the employee's 12 week entitlement for FMLA. Proper documentation and notice will be required. Certification forms are available in the Human Resources Department.

5. Should the leave requested be for the birth or adoption of a child, the employee must first use all available vacation banks to cover the absence (comp banks and personal business leave used at employee's discretion). Note: Sick leave and Reserve Sick leave are not available for this usage. Entitlement for this leave will be subject to FMLA limitations as identified in #1 and #2 above; usage of this leave will be deducted from the employee's 12 week entitlement for FMLA. Proper documentation and notice will be required. Certification forms are available in the Human Resources Department.
6. "Donated" time is not the same as the employee's own banked time. Leave accruals do not continue once an employee is on Donated time. In addition, the use of donated leave for purposes other than one's own illness requires the approval of the Department head. The use of donated time will run concurrently with the employee's 12 week entitlement for FMLA.
7. ACS employees must utilize all appropriate banked time before unpaid status may begin (ACS Rule 21.1)
8. During a period of unpaid FMLA Leave, the employee will retain coverage in the City's hospitalization, dental, and optical insurance plans to the extent that coverage was available prior to the Leave. Although not required by FMLA law, the City will also maintain the employee's coverage in the group life insurance plan, to the extent that this coverage was available prior to the Leave.
9. Employees on an approved FMLA leave will retain re-instatement rights to their same or equivalent position, subject to the limitations in the Act.
10. Intermittent FMLA leave will be granted when the need for intermittent leave is properly documented, except that, intermittent FMLA leave which is requested due to the birth or adoption of a child is dependent upon the approval of the Department Head. The City may transfer an employee on intermittent FMLA leave to an alternative position which better accommodates the employee's intermittent or reduced leave schedule.
11. Absences due to unpaid FMLA leave in excess of 10 working days will be deducted from length of service calculations for pension payments; however, such time will not be counted as a break in service for purposes of vesting or participating in the pension plan.
12. Issues not addressed above which are covered in the Department of Labor Regulations will be handled according to the DOL guidelines.