



Subject/Title

Leave of Absence Under the Family and Medical Leave Act

Date Effective

July 1, 1997

Revision Date Effective

January 16, 2009

Code Number

HR 9

*W. Curtis W. W. W.*

City Manager

Human Resources

Responsible Key Business

**Objective:** This policy outlines the procedures for the City of Charlotte's compliance with the Family and Medical Leave Act (FMLA).

**Policy:**

This policy applies to all City employees and covers regulations prescribed in the revised Family Medical Leave Act effective January 16, 2009.

**Summary of FMLA:**

FMLA is a federal law that entitles eligible employees to take job-protected, unpaid leave for specific, qualifying personal, family and/or military support needs. Eligible employees are entitled to job restoration rights and maintenance of group health care coverage while absent from work due to an event defined as a qualifying reason under the Family Medical Leave Act. An eligible employee's health benefits must be maintained during any period of leave under the same conditions as if he or she continued to work and he or she must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon returning from leave.

**FMLA Leave Administrative Guidelines:**

**Eligible Employee**

An eligible employee is an employee who has completed:

- A. A total of twelve (12) months of employment with the City (not necessarily consecutive months), without a break in service that exceeds seven years, unless the break in service was due to the employee fulfilling his/her National Guard or Reserve military service obligations **and**
- B. At least 1,250 compensable service hours during the consecutive twelve (12) month period preceding the commencement of leave. The employee must have actually worked 1,250 hours. Military leave counts as hours worked.

**Qualifying Reasons Covered Under the Act**

Eligible employees are entitled to Family Medical Leave for any of the following reasons, defined as "qualifying reasons":

- A. Birth of the employee's son or daughter and to care for the newborn child.
- B. Adoption of a son or daughter by the employee or placement of a son or daughter with the employee and to care for the newly adopted or placed child.
- C. Serious health condition of the employee which makes the employee unable to perform one or more of the essential functions of his or her job.

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- D. Serious health condition of the employee's qualifying family member. Qualifying family members are the employee's spouse, son, daughter or parent.
- E. A qualifying exigency as defined in this policy.
- F. To care for a covered servicemember with a serious injury or illness sustained while on active duty.

**Details Regarding Qualifying Reasons****A. Birth**

Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

- a. Both the mother and the father are entitled to FMLA leave to be with the healthy newborn child (i.e. bonding time).
- b. An employee's entitlement to leave for a birth expires at the end of the 12-month period beginning on the date of the birth.
- c. An eligible employee may use FMLA leave intermittently or on a reduced schedule after the birth to be with a *healthy* newborn child only if the employer agrees; otherwise the leave must be all taken at once.
- d. A husband and wife who are both employed by the City are limited to a combined total of 12 weeks of leave to care for a *healthy* newborn child unless one spouse is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.
- e. A husband and wife, who are both eligible employees, are each entitled to 12 weeks to care for a newborn child with a serious health condition.
- f. A mother is entitled to FMLA leave for incapacity due to pregnancy, prenatal care, or her own serious health condition. Circumstances may require that FMLA leave begin before the date of birth, for example, for prenatal care. The mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive days; for example, due to severe morning sickness. Note: FMLA leave used before birth reduces the amount of FMLA leave available after the birth. Total entitlement is still 12 workweeks combined for all qualifying reasons excluding the use of FMLA leave to care for an injured service member.
- g. A father is eligible for FMLA leave to care for his pregnant spouse during her prenatal period or if she is incapacitated, or if needed to care for her following the birth of a child if she has a serious health condition.

**B. Adoption or Placement of a Child**

Eligible employees are entitled to FMLA leave for the adoption or placement for foster care of a son or daughter as follows:

- a. An employee's entitlement to leave expires at the end of the 12-month period beginning on the date of the adoption or placement.
- b. However, FMLA leave before the actual adoption or placement may be required. Absences before or after the adoption or placement of a child qualify as FMLA leave as long as the absences are associated with the adoption or placement activities.
- c. A husband and wife who are both employed by the City are limited to a combined total of 12 weeks of leave to care for a healthy newly adopted or placed child unless one spouse is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.

- d. A husband and wife are entitled to 12 workweeks each to care for an adopted or foster child with a serious health condition.
- e. An eligible employee may use intermittent or reduced schedule leave after the adoption or placement to be with a *healthy* adopted or foster child only if the employer agrees; otherwise the leave must be taken all at once.

**C. *Serious Health Condition of the Employee***

An employee is eligible for FMLA leave due to his or her own serious health condition.

- a. A serious health condition as defined in the Family Medical Leave Act means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.
- b. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility.
- c. Continuing treatment includes one or more of the following:
  - A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times, within 30 days of the first day of incapacity (absent extenuating circumstances) by a health care provider (or nurse under the direct supervision of a health care provider, or by a provider under orders of or on referral by a health care provider; example: physical therapist).
  - Treatment means an in-person visit to a health care provider. The first or only treatment visit must take place within seven days of the first day of incapacity.
  - A period of incapacity due to pregnancy or prenatal care is considered a serious health condition.
- d. Chronic conditions, meaning a condition that requires periodic visits at least twice per year for treatment by a health care provider. The condition continues over an extended period of time and may cause episodic rather than a continuing period of incapacity. Examples: asthma, diabetes, epilepsy, etc.
- e. Permanent or long-term conditions for which the employee or his or her qualifying family member is under the continuing supervision of a health care provider, but may not be receiving active treatment due to treatment not being effective.
- f. Conditions requiring multiple treatments.
- g. Restorative surgery after an accident or other injury.

**D. *Serious Health Condition of the Employee's Qualifying Family Member***

- a. An employee is eligible for FMLA leave when he or she is needed to care for a qualifying family member (spouse, son, daughter or parent) with a serious health condition when the family member is incapable of self care.
- b. "Incapable of self care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of daily living activities or instrumental activities of daily living. Examples of daily living activities are: grooming, hygiene care, bathing, dressing and eating. Examples of instrumental activities of daily living are: cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephone, using a post office, etc.

**E. Qualifying Exigency FMLA leave**

- a. An employee with a “qualifying exigency” may qualify for up to 12 workweeks of unpaid FMLA leave. A “qualifying exigency” may arise when a qualifying family member (spouse, son, daughter or parent of the employee) is in the (i) National Guard; (ii) the military reserves; or (iii) who is retired military personnel, and who has been notified of an impending call or order to active duty in support of a contingency operation. It does **not** apply to regular armed forces duty and it does **not** apply to monthly or other regularly-scheduled training.
- b. The types of events that constitute qualifying exigencies are:
  - **Short-notice deployment** – To address issues that arise when a covered military member is notified of an impending call or order to active duty seven or fewer calendar days prior to the deployment date.
  - **Military events and related activities** – To attend an official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty of a covered military member.
  - **Childcare and school activities** – To arrange for alternative childcare when the active duty or call to active duty necessitates a change in the existing childcare arrangement. To provide childcare on an urgent immediate need basis (not on a routine, regular, or everyday basis). To enroll in or transfer children of a covered military member into school. To attend meetings with staff at a school or daycare facility (disciplinary measures, parent teacher conferences, meetings with counselors).
  - **Financial and legal arrangements** – To make or update financial or legal arrangements to address the covered military member’s absence. To act as the covered military member’s representative for the purposes of obtaining, arranging or appealing military service benefits.
  - **Counseling** – To attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered member provided that the need for counseling arises from the active duty or call to active duty of the military member.
  - **Rest and recuperation** – To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.
  - **Post-deployment activities** – To attend arrival ceremonies, reintegration briefings and events, and other official ceremonies and events sponsored by the military. To address issues that arises from the death of a covered servicemember while on active duty status.
  - **Additional activities** – To address other events that arise out of a covered military member’s active duty or call to active duty status provided that the employee and employer agree that such leave shall qualify as an exigency and agree to both the timing and duration of the leave.

**F. Military Caregiver Leave**

- a. An employee who is the spouse, son, daughter, parent or next of kin of a “covered servicemember” may be eligible for up to 26 workweeks of unpaid FLMA leave to care for the covered servicemember. The need for care includes both physical and psychological leave.
- b. A covered servicemember is defined by the FMLA as a current member of the Armed Forces, including the National Guard or Reserves or a member of the National Guard or

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Reserves on the temporary disability retired list, who is undergoing medical treatment, recuperation or therapy, or who has suffered a serious injury or illness in the line of duty that may render the member medically unfit to perform the duties of his or her office, grade, rank, or rating and/or is on outpatient status or on a temporary disability retired list for a serious injury or illness.

- c. Next of kin is defined as the nearest blood relative other than the covered service member's spouse, son, daughter, or parent in the following order of priority: blood relatives who have been granted legal custody, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the servicemember has designated another blood relative in writing as his/her next of kin. When there are multiple family members with the same level of relationship to the servicemember (example brothers and sisters) all of them are considered next of kin and all of them may take FMLA leave to provide care, either consecutively or simultaneously.
- d. Military Caregiver Leave is applied on a per-covered servicemember, per-injury basis. This means that an eligible employee could be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different servicemember or the same servicemember with a subsequent injury or illness. However, no more than one 26-week leave can be taken in the same 12-month period.
- e. The combined total entitlement for all forms of FMLA when used during the same 12-month period in which military caregiver leave is also being used is 26 workweeks.
- f. A husband and wife, who are both eligible employees, are both limited to a combined total of 26 workweeks of leave during the 12-month period in which FMLA leave is taken to care for an injured servicemember.

**Leave Entitlement**

**Up to 12 workweeks**

FMLA leave entitlement for the birth, adoption or placement of a child; serious health condition of the employee or the employee's qualifying family member; or due to a qualifying exigency is limited to a total of 12 workweeks of leave during the City's designated 12-month rolling period.

**Up to 26 workweeks**

Leave entitlement to care for an injured servicemember is up to 26 workweeks in a single 12-month period that begins on the first day the leave is taken and ends 12 months later. Therefore, FMLA leave to care for an injured service member is not on a rolling calendar; it is designated on a forward basis as of the first date the leave is taken.

**Pay While on FMLA**

Leave taken under FMLA leave is unpaid. The regulations permit the City to require employees to substitute accrued paid leave for unpaid FMLA leave and **the City does require use of accrued sick leave when an eligible employee takes FMLA leave due to a serious health condition as defined in the Act.** The term "substitute" means that the unpaid FMLA leave will run concurrently with paid leave provided by the City, and accrued per the established City policy.

**Concurrent use of FMLA Leave and Other Leaves**

- **Sick Leave:** The City requires concurrent use of accrued paid sick leave when an employee is on FMLA leave due to a qualifying reason that meets any one of the definitions of a serious health condition. The serious health condition may be the employee's own, that of a qualifying family member (spouse, son, daughter or parent), or a covered qualifying servicemember.
- **Vacation Leave:** An employee may elect to use accrued vacation leave only when the employee is on FMLA leave for a qualifying reason that is *not* considered a serious health condition *or only after accrued sick leave has been exhausted*.
- **Compensatory Time and FMLA:** The City may require employees to exhaust accrued compensatory time while on FMLA leave **only if** the employee is not also on workers' compensation, short-term disability (A&S), or long-term disability. If the employee is on workers' compensation, short-term disability (A&S), or long-term disability he or she has the option to use accrued compensatory time to supplement his or her pay.
- **Workers' Compensation:** When an employee has a serious health condition resulting from an injury that occurred in the course of employment, i.e. workers' compensation, the City will run unpaid FMLA leave concurrent with the paid workers' compensation benefit. The City may not require employees to use accrued, paid leaves (such as accrued sick leave or accrued vacation leave) while simultaneously using a paid disability benefit. However *the employee may elect to use accrued paid leaves to supplement the disability plan benefits*. If an employee is on workers' compensation and returns to a "light duty" job or assignment, the hours worked while on "light duty" do not count against the employees FMLA leave entitlement.
- **FMLA Leave During Weeks with a Holiday:** When an employee is using FMLA leave in weekly increments, and there is a holiday in a week that the employee is out on leave, the entire week is counted as FMLA. If an employee is using FMLA in increments less than a week, the holiday is not counted toward the employee's FMLA entitlement *unless* the employee normally works holidays and did not work that holiday because he or she was using FMLA leave.

**Family Medical Leave Administration****FMLA Accounting Measurements**

The overarching measure of FMLA is in terms of "workweeks". The employee's actual workweek is the basis for leave entitlement. When an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata basis. For example, assuming a qualifying reason that is not due to a need to care for an injured servicemember, if an employee has a scheduled workweek of 30 hours per week, his or her FMLA entitlement is 12 workweeks times 30 hours which is 360 hours per the designated 12-month period.

**Intermittent or Reduced Schedule Leaves**

FMLA leave can be taken intermittently or on a reduced work schedule if there is a medical need.

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- Intermittent leave is taken in separate blocks of time due to a single qualifying reason.
- A reduced leave schedule reduces an employee's usual number of working hours per workweek, or hours per workday.
- A reduced schedule is a change in the employee's schedule for a period of time. When an employee takes a leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. If leave is used intermittently or on a reduced schedule, the City reserves the right to temporarily transfer the employee to another position for which the employee is qualified, and which better accommodates recurring periods of leave.

**Calculation of the 12-month Periods**

The City's designated 12-month period is a "rolling" 12-month period. With the exception of leave to care for an injured servicemember, the rolling 12-month period is used to track FMLA hours used. The rolling 12-month period is measured backwards from each date an employee requests FMLA leave.

When FMLA leave is used to provide care for a covered servicemember, i.e. Military Caregiver Leave, the time taken for such leave shall be calculated on a forward basis beginning on the first date that the leave is taken to care for the covered servicemember and ending 12 months from the first date of use.

**Employee Responsibilities**

- A. When an employee requests FMLA leave, he or she is not required to expressly mention FMLA; however, the employee must provide sufficient information as to allow the KBU the ability to determine whether the leave qualifies. The employee also has a responsibility to respond to the KBU's questions designed to determine whether an absence qualifies as FMLA leave.
- B. An employee must inform his/her supervisor or the designated staff member in his/her KBU thirty (30) days in advance of the qualifying reason for a foreseeable FMLA absence or tardiness and may be required to submit applicable certification within a specified time period.
- C. For an emergency FMLA absence or tardiness, the employee must inform his/her supervisor of the qualifying reason as soon as practicable after learning of the need for leave (and, if requested, verify the reason within a specified time period). "As soon as practicable" means as soon as both possible and practical, taking into account all of the facts and circumstances.
- D. For an extension of requested leave, the employee must inform his/her supervisor or the designated staff member in his/her KBU of the qualifying reason for extension as soon as practicable.
- E. If the leave is based on planned medical treatment, an employee must make reasonable efforts to schedule the treatment so as not to disrupt the City's operations, subject to the approval of the health care provider. If recurring periods of leave are needed, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits.

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- F. An employee is required to submit a certification upon request from his/her supervisor, the KBU's FMLA Administrator or another designated Administrator. The certification is at the employee's expense and must be submitted to the City no later than 15 calendar days after the request for leave. A simple doctor's statement is not sufficient under this policy. Any period of absence that does not meet an FMLA qualifying event may result in disciplinary action.
- G. The employee must give his/her supervisor reasonable notice (i.e. within two (2) business days) of his/her ability to return to work. Any absence not meeting the FMLA employee notice or certification requirements is subject to the general City attendance policy, without protection of this Policy or FMLA provisions and could result in disciplinary action.

**Employer Responsibilities****Maintenance of Group Health Care Benefits**

- A. The City will maintain group health coverage for the duration of the FMLA leave and under the conditions coverage would have been provided if the employee had remained in active service. Employees must continue to pay the employee's share of the total health care premium.
- B. If the employee fails to pay his/her share of the premium, the City will provide written notice stating that coverage will be canceled unless the premium is paid by a specified date.
- C. Upon reinstatement, the employee will be restored to coverage under all employee benefit plans in which he/she was participating in the last regular job held prior to the FMLA leave, unless the employee has changed his/her election. Cancellation for nonpayment of premiums during FMLA leave does not affect restoration of benefits, but will result in nonpayment of claims incurred during the time that required employee contribution were not paid.
- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to maintenance of group health care coverage will cease upon effective date of layoff. The employee may qualify for medical coverage under COBRA.

**Job Restoration**

- A. If an employee is capable of performing all essential functions of his/her last regular job, the City will return the employee to his/her last regular job or to an equivalent position with equivalent employment benefits, pay and other terms and conditions. Refusals of an offer of reinstatement will be treated as a voluntary resignation.
- B. If the employee is unable to perform the essential functions of his/her last regular position at the end of the FMLA leave due to a disability, as defined by the Americans with Disabilities Act, the City will investigate reasonable accommodations.
- C. An employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.
- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to job restoration as dictated by FMLA regulations will cease upon the effective date of layoff. The employee may apply for other vacant positions.

**Employer Notifications**

The KBUs are responsible for properly notifying and designating FMLA leave requests. When an employee requests FMLA leave or when a supervisor or any other department administrator acquires knowledge that an employee may have a need for leave due to any one of the FMLA qualifying reasons, the KBU must notify the employee of his/her eligibility to take FMLA leave.

**A. Requirements of Notice of FMLA Eligibility and Notice of FMLA Designation**

- a. **Five (5) business days:** When a supervisor or KBU administrator becomes aware of a potential need or potential request for FMLA leave, the KBU must respond to the employee within five (5) business days from the request or if the leave was unforeseeable within five (5) days of the event, absent extenuating circumstances. The designation may initially be done orally and should subsequently be followed up in writing. If the employee is already absent, notice should be sent to the employee's home address on record.
- b. **FMLA eligibility:** The content of the notice must specifically state if the employee is or is not eligible for FMLA leave. If the supervisor or KBU administrator does not know, he or she may provisionally grant FMLA leave conditioned on certification or verification.
- c. **State a reason:** If the employee is not eligible, the supervisor or KBU administrator must provide at least one reason why the employee is not eligible. Common reasons why an employee is not eligible are: the employee does not meet the twelve months length of employment eligibility requirement or the requirement to have worked 1,250 hours over the previous twelve months; or the employee may have exhausted his/her annual FMLA leave entitlement; or the event is not a qualifying event; or the family member is not a qualifying family member. There may be other reasons. Those listed are the most common reasons.
- d. **Amount of leave:** The KBU must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement.
- e. **Fitness-for-duty:** If the employee is required to have a Fitness-For-Duty evaluation (FFD) prior to being able to return to work, the KBU must state that requirement when the FMLA leave is designated and the FFD certification may only be with regard to the particular health condition that caused the employee's need for FMLA leave. In addition, this requirement must be uniformly applied for similar-situated employees (i.e. same job function). If there is a requirement that the FFD addresses the employee's ability to perform the essential functions of the employee's position, the KBU must include a list of the essential functions of the employee's position with the FMLA designation notice.
- f. **Medical Certification:** KBUs may request medical certification or other forms of leave verification; however, the request must be made in writing.
  - In the event that the KBU did not request certification when the leave was designated, the KBU may make the request for certification at a later date. The employee has 15 calendar days to comply with the KBU's request, unless it is not practicable under the particular circumstances.
  - The employee must provide a complete and sufficient certification when a medical certification is requested by the KBU. If the KBU deems the

certification to be incomplete and insufficient, the KBU must advise the employee of such and state in writing what additional information is necessary to make the certification complete and sufficient. Additionally, the employee has seven (7) calendar days to re-submit a complete and sufficient certification. “Incomplete” means one or more of the applicable entries have not been completed. “Insufficient” means the information provided is vague, ambiguous, or non-responsive.

- KBUs may not ask the health care provider for additional information beyond that required.
- For the purposes of Military Caregiver Leave medical certifications may be obtained from any one of the following health care providers: United States Department of Defense, United States Department of Veteran Affairs, or a Department of Defense authorized, private network or non-network TRICARE provider.
- The employee bears the cost of certifications. KBUs may require verification of family relationship.

**B. Clarification and authentication of medical certifications**

“Authentication” means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document.

“Clarification” means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. No additional medical information may be requested.

- a. If an employee submits a complete and sufficient certification signed by the health care provider, the KBU may not request additional information from the health care provider. However, the KBU may contact the health care provider for clarification or authentication after giving the employee (7) calendar days to correct any deficiencies.
- b. To make such contact, the KBU must use a healthcare provider, human resources professional, a leave administrator, or a management official. Under no circumstance may the employee’s direct supervisor contact the employee’s health care provider; 29 CFR § 825.307.
- c. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the KBU. The employee may provide this authorization, release, or waiver allowing the KBU to communicate directly with the health care provider. The KBU may not require the employee to provide such an authorization, release, or waiver. It remains the employee’s responsibility to provide the KBU with a complete and sufficient certification. Failure to do so may result in the denial of FMLA leave.

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**Recertification**

The KBU may request recertification no more often than every 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, the KBU must wait until that minimum duration expires before requesting recertification, unless the employee requests an extension of leave, or circumstances described by the previous certification have changed significantly, or if the KBU receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification. In all cases, a KBU may request a recertification of a medical condition every six months.

**Other Departmental Requirements**

The KBU is required to provide written notice of other specific expectations and obligations of the employee such as the KBU's procedures regarding calling-in to update an absence.

**Retroactive Designation**

Retroactive designation is permitted if the lack of timely notice, within five (5) business days, does not cause harm or injury to the employee.

**Second and Third Opinions**

The KBU may require the employee to obtain a second or third opinion at the KBU's expense if there is reason to doubt the validity of the medical certification. Second and third opinions are at the expense of the KBU. For second opinions the City is permitted to designate the health care provider; however, the provider may not be one that regularly contracts with the City. If the opinions of the initial opinion and the second opinion differ then the KBU may require a third opinion. The third health care provider must be designated or approved jointly by the employer and the employee.

**Retention of Notifications**

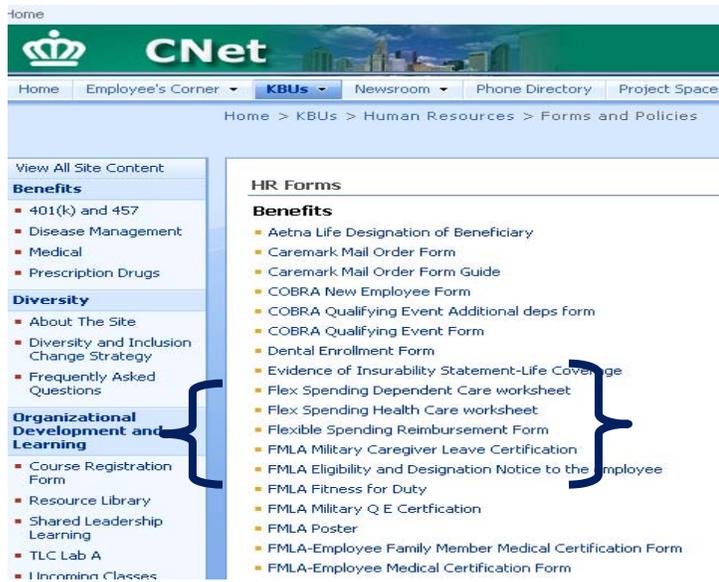
As a public employer FMLA records for specific employees meet one of the categories of a Personnel Record and must be maintained for 30 years post separation per the Personnel Records Standard of the North Carolina Municipal Records Retention and Disposition Schedule.

**Separate and Confidential Maintenance of Medical Records**

Medical certifications, recertifications, or medical histories of employees furnished to the City for FMLA purposes are to be maintained in separate files and treated as confidential medical records with restricted access.

**Forms**

FMLA administration forms have been placed on the City's Intranet site, CNet, to assist KBUs in administering FMLA leaves. The navigation path is: CNet > KBUs > Human Resources > Forms and Policies.



**Glossary of Key Terms**

**Active duty or call to active duty:** Duty under a call or order to active duty or notification of an impending call or order to active duty in support of a contingency operation pursuant to Section 688 of Title 10 of the United States Code.

**Covered servicemember:** A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, or is otherwise still on outpatient status or on a temporary disability retired list for a serious injury or illness.

**Health care provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; any other person determined by the Secretary of Labor to be capable of providing health care services. In general terms, a health care provider is any health care provider accepted by our insurance plan. Examples are:

- Licensed doctor of medicine or osteopathy
- Clinical Social Workers
- Podiatrists
- Dentists
- Clinical Psychologists
- Optometrists
- Chiropractors
- Nurse practitioners
- Midwives
- Christian Science practitioners

**In loco parentis:** Includes persons who assume day-to-day responsibilities to care for and financially support a child. A biological or legal relationship is not necessary.

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***Parent:*** A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in this policy. This term does not include parents “in law.”

***Parent of a covered servicemember:*** A covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

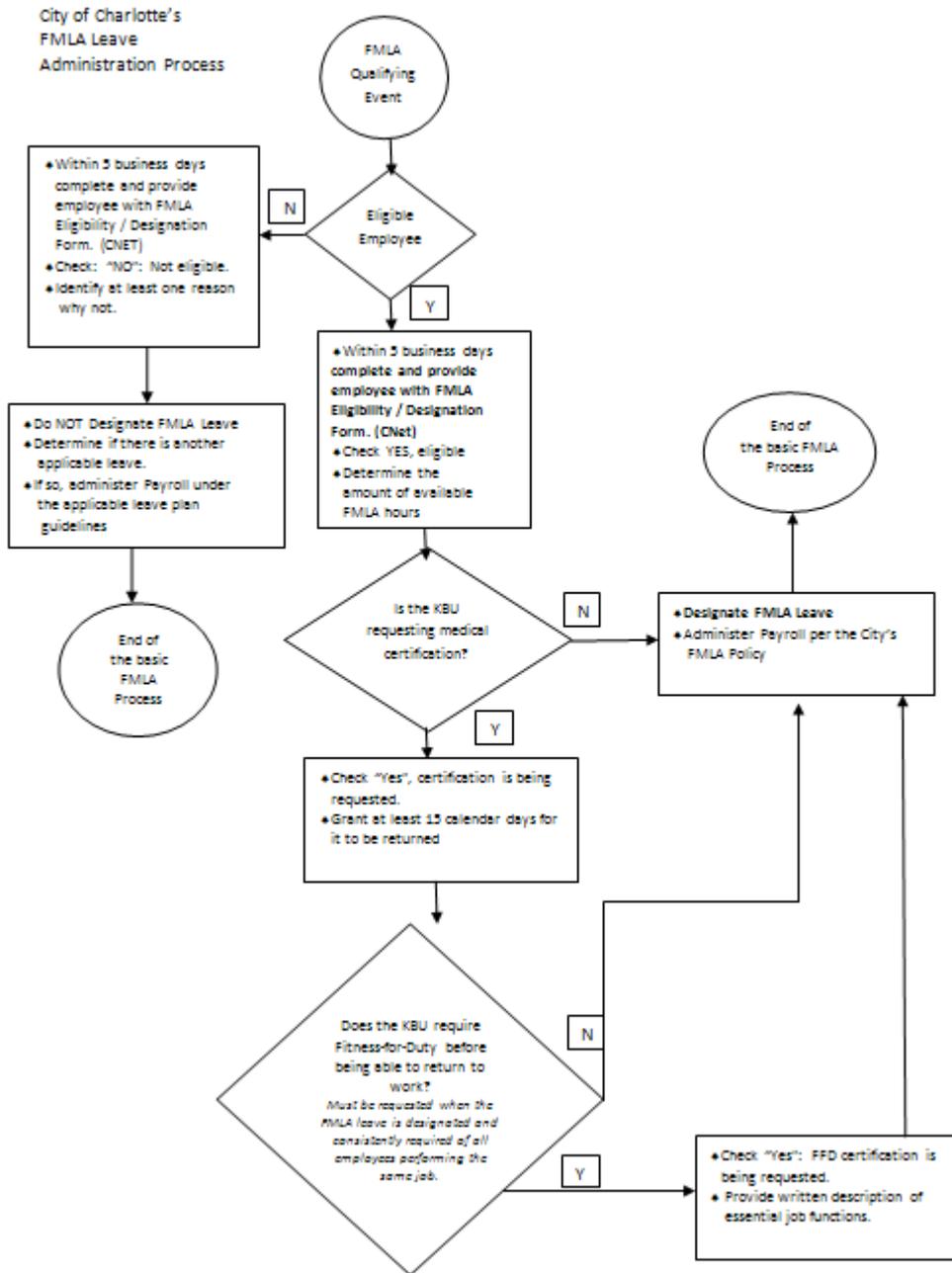
***Son or daughter:*** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to begin.

***Son or daughter on active duty or call to active duty:*** The employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

***Spouse:*** a husband or wife as defined or recognized under State law for the purposes of marriage in the State where the employee resides.

***Workweek:*** For the purposes of administering this policy, the “workweek” will be calculated based on the eligible employee's actual workweek, including any mandatory overtime. Employees with variable hours will have the "workweek" based on the average hours worked during the 12 weeks prior to leave.

**FMLA Leave Process Map**



THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE CITY RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AT ANY TIME IN THE FUTURE.