

BILL NO. 1069

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE EMPLOYEE HANDBOOK/LOSS PREVENTION MANUAL REGARDING FAMILY MEDICAL LEAVE ACT (FMLA).

WHEREAS, In the City of West Plains Employee Handbook it states FMLA will run concurrent with any paid leave that meets the above requirements. Employee will be asked to specify which leave to use. During that time employee will continue accruing leave time at the normal rate while on FMLA. Once the leave time is exhausted while on FMLA no additional leave time will be accrued.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, as follows:

Section 1: The Handbook for City Employees hereby is amended in (Exhibit A).

Section 2: This Resolution shall be in full force and effect from and after the date of its passage and approval.

PASSED AND APPROVED THIS 21st DAY OF MAY 2018.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR JACK PAHLMANN

ATTEST:

CITY CLERK MALLORY SNODGRAS

Family and Medical Leave – Exhibit A

The City will comply with the federal Family and Medical Leave Act (FMLA) by providing 12 workweeks of unpaid, job protected leave to eligible employees.

Employees may be eligible for up to 12 workweeks of FMLA leave per a 12 month period if they have worked at least 12 months and have physically worked at least 1,250 hours in the 12 months preceding the leave.

An employee is entitled to a total of twelve workweeks of FMLA-covered leave within a rolling twelve month period, measured backward from the date of the most recent request for a covered leave of absence. This means that each time an employee requests a leave under the provisions of this policy, the available time for a leave of absence will be the balance of the total twelve workweeks that has not been used during the twelve month period immediately preceding the commencement of leave.

Eligible employees are entitled to take a leave for the following reasons:

A. Parental Leave:

- Birth of a child or in order to care for a child (must be taken within twelve months of the birth);
- The adoption or foster care of a child (must be taken within twelve months of the adoption or placement in foster care).

Employees are permitted to use up to 2 workweeks of their accrued sick leave as “family leave” for the birth or placement of a child, within the first 12 weeks following the birth or placement. Additional paid sick leave may only be used if circumstances exist which meet the usual requirements for the use of paid sick leave (such as if the child is ill).

B. Medical Leave:

- The need to care for an employee's spouse, son, daughter, or parent who has a serious health condition; or
- The employee's own serious health condition.
- The qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty).
- The care of a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the service member.

If accrued paid leave (sick leave, annual leave, or compensatory time) is used for any of the above purposes, it will apply toward the total 12 workweeks of unpaid FMLA leave available. **FMLA will run concurrent with any paid leave that meets the above requirements. You will be asked to specify which leave you want to use (vacation, sick, etc.). During that time you will continue accruing leave time at your normal rate while on FMLA. Once the leave time is**

exhausted while on FMLA, no additional leave time will be accrued. (Example: if you have eight weeks of leave time, but you will be on FMLA for 12 weeks, you will only accrue leave time for eight weeks).

Holidays that occur in a workweek in which unpaid FMLA leave is used will not count towards employees' FMLA leave entitlement. Holidays that occur in a workweek in which paid leave is used will count towards employees' FMLA leave entitlement.

To take FMLA leave, you must provide the City with appropriate notice. If you know in advance that you will need FMLA leave, you must notify your supervisor or the Payroll/HR Department at least 30 days in advance. If you learn of your need for leave less than 30 days in advance, you must give notice as soon as you can (generally either the day you learn of the need or the next work day). When you need FMLA leave unexpectedly (for example, if a family member is injured in an accident), you must inform your supervisor or the Payroll/HR Department as soon as you can.

Military Caregiver Leave

The FMLA, as amended in 2008 and 2010, also allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a member of the Armed Forces, National Guard or Reserves or of certain recent veterans with a serious illness or injury, up to 26 weeks of unpaid leave within a twelve-month period to care for the injured or ill service member or veteran. A "serious illness or injury" is generally an injury or illness incurred by the covered service member in the line of duty on active duty (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty) that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. An employee may not take more than 26 weeks of FMLA leave of all kinds in a single 12-month period. (For example, if you take six weeks of FMLA leave for your own illness or that of a family member, you may take no more than 20 weeks to care for an ill or injured service member.) Generally, you must give the City at least 30 days' notice before the commencement of any military caregiver leave.

Qualifying (Military) Exigency Leave

The FMLA also provides for up to 12 weeks of unpaid leave within a 12-month period when an eligible employee's spouse, son, daughter, or parent is on (or has been notified of an impending call to) covered active duty in the Armed Forces. ("Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. "Covered active duty" for members of the U.S. National Guard and Reserves means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.) The leave may also be extended to the family members of certain retired military. This leave may be used to take care of such things as child care or financial and legal arrangements necessitated by the deployment of the family member.