

RULE IX

ATTENDANCE AND LEAVE

SECTION 1. WORK HOURS

For non-public safety (*i.e.*, Police and Fire Department) employees, the minimum work week for covered employees will be forty (40) hours in a seven (7) day work period. Because of the differences in staffing and job requirements among departments, the required number of hours and days within a designated work period may vary from job-to-job and from department-to-department. Overtime may be required as a condition of employment.

SECTION 2. OVERTIME

- a.** Entitlement: Non-exempt employees, other than public safety employees, whose work period is seven days will be paid at the rate of one and one-half the normal rate for all hours worked over forty (40) hours per seven (7) day period.
- b.** Police and Fire Officers: The Police and Fire Departments will establish work periods and overtime policies separately for their employees as a part of each respective Department's operating policies.
- c.** Authorization: Non-exempt employees may not perform overtime work without the prior knowledge and authorization of their respective Department Heads. Breach of this policy may result in employee discipline. Employees will be paid for all overtime worked, in accord with the federal Fair Labor Standards Act.
- d.** Time Reporting: Non-exempt employees must report all hours actually worked and under no circumstances may a non-exempt employee "donate" work time to the City. Exempt employees will receive their normal salary for any work period, regardless of the number of hours worked.

SECTION 3. COMPENSATION FOR WORKING OVERTIME

Overtime compensation shall be made in accordance with the following rules:

- a.** De Minimus Amounts: Overtime shall be accrued and compensated only when it exceeds 15 minutes in a 40 hour pay period. When the employee works less than 7 1/2 minutes of overtime, no overtime is credited. For periods in excess of 7 1/2 minutes, 15 minutes overtime is credited. Non-exempt employees will not be paid for time they do not work.

- b. Regular Rate: Overtime payment for non-exempt employees shall be calculated Rule IX, Section 2 based upon the employee's regular rate of pay. The "regular rate" of pay shall include any incentive bonuses or shift premiums which the employee receives.
- c. On-Call Employees: Employees who remain on call and are subject to recall duty during their non-working hours shall be compensated on the basis of one and one-half times the base rate of pay for every hour of actual work performed as result of an official call-out.
- d. Recalled Employees: Employees recalled to work in an emergency situation on a holiday shall be paid their regular rate of pay for all hours they work, plus an additional eight (8) hours pay for the observed holiday. If the employee customarily works more than eight (8) hours per day, the additional holiday pay shall equal the number of hours the employee is customarily scheduled to work times the employee's regular rate of pay.
- e. Non-working Time: Employees shall not be compensated for time they do not work except for holidays, vacations, or paid leaves, except with the approval of the appointing authority. If, because of circumstances beyond the employee's control, such an act of God, blizzard, flood, hurricane, or tornado, general area-wide power failure, city-equipment breakdown, an employee is required to be absent from duty, the employee may be paid, but only with the approval of the appointing authority. However, when an employee's position requires the employee to remain at a facility, this time shall be fully compensable. None of the above shall prohibit a carder status employee from using = accumulated leave instead of being excused without pay.

SECTION 4. COMPENSATORY TIME

No employee hired on or after **04/04/2022**, will be eligible for compensatory time. Effective **04/04/2022** all previously accrued compensatory time hours will remain in the compensatory time accrual balance; thereafter, no new hours may be added to an employee's compensatory time accrual balance.

Employees are responsible for managing their compensatory time hours in accordance with the above schedule and employees must exhaust all compensatory time hours before using accrued leave.

SECTION 5. OUTSIDE EMPLOYMENT

No employee may engage in any paid employment in addition to his or her employment with the city which interferes with efficient performance of his or her duties, which presents a conflict of interest. Every regular full-time employee seeking to work a second job will be required to report this fact to, and obtain the approval of, the Department Head in writing before accepting outside employment. Such approval may be withdrawn at any time without prior notice to the employee. Police Department employees working for employers other than the City of Forest Park

must comply with departmental regulations for obtaining approval for such employment. Such Police Department employees will not be entitled to overtime pay *where* they are working for private companies in the City of Forest Park, even if they are performing police-type duties for employers within the City of Forest Park, and even where they continue wearing a Forest Park Police uniform.

SECTION 6. HOLIDAYS

- a. Designated Holidays: The following are the official holidays that will be observed:

New Year's Day (January 1);
Martin Luther King, Jr. Day (third Monday in January);
National Memorial Day (last Monday in May);
Juneteenth (June 19)
Independence Day (July 4);
Labor Day (first Monday in September);
Thanksgiving Day (fourth Thursday in November);
Friday following Thanksgiving Day;
Christmas Eve Day (December 24);
Christmas Day (December 25);

Personal Day (designated by employee with prior supervisory approval)*

Other holidays may be declared by the Mayor and Council at their discretion.

- a. Eligibility: Only employees who have successfully completed their initial appointment working test period are eligible to request a personal holiday. If an employee becomes eligible for a personal holiday after December 15, the employee may carry forward the personal holiday provided that the employee's request to schedule the Personal Day was denied due to departmental scheduling needs. However, the personal holiday must be taken before January 20 of the following calendar year.

SECTION 7. OBSERVATION OF HOLIDAYS

- a. Holidays Worked: Employees may be scheduled to work during the above holidays. Those employees who are scheduled to work will receive pay for the time worked plus one full day's wages to compensate them for their lost holiday.
- b. Weekend Holidays: If a holiday falls on Saturday, it will generally be observed on the preceding Friday. If the holiday falls on a Sunday, it will generally be observed on the following Monday.

SECTION 8. TYPES OF LEAVE

The City of Forest Park recognizes seven (7) types of leave which are available to employees. They include Annual Leave, Sick Leave, Family and Medical Leave, Military Leave, Court Leave, Bereavement Leave, and Administrative Leave-of-Absence.

SECTION 9. ELIGIBILITY DATE

- a. Completion of Working Test: An employee is not eligible to take annual leave, or sick leave, until the Employee has completed the working test period. After the employee has successfully completed the working test period, the employee will have accrued six (6) days of annual leave and six (6) days of sick leave.
- b. Annual and FMLA Leave: An employee's eligibility for and accrual of annual and Family and Medical leave is calculated from the first day of the employee's initial appointment in a covered position.
- c. Adjustment of Anniversary Date: If the employee takes a leave-of-absence (other than for Military Leave or Family and Medical Leave), the employee's anniversary date for calculating accrual and eligibility will be moved forward by as many calendar weeks as the employee was on leave-of-absence.

SECTION 10. ANNUAL LEAVE

- a. Definition: Annual leave is leave that is earned and to be used for vacations, personal business activities, and other personal activities requiring the employee to be absent from work.
- b. Approval: Accrual of annual leave is an earned right. Taking annual leave is a privilege for which the employee must obtain approval from their Department Head.
 - (1) Eligibility: All covered employees, both career and working test, shall accrue annual leave from the date of employment in a covered position. However, employees serving a working test period on an initial appointment shall not be permitted to take annual leave until successful completion of the initial appointment working test period.
 - (2) Temporary and Emergency Employees: Temporary and emergency employees shall not accrue annual leave.
 - (3) Accumulation Rate: The rate which annual leave accrues is in accord with the length of time an employee has worked for the City. Annual leave accrues at an hourly rate specified below in accordance with the number of hours constituting a normal workday for the employee.

- (a) 6 months - 9 years' service: One equivalent day for each calendar month of service which equals a total of twelve (12) equivalent days per year, maximum accumulation 30 days.
 - (b) 10 - 19 years' service: One and one-quarter days for each calendar month of service up to fifteen (15) equivalent days per year; maximum accumulation 33 days.
 - (c) 20 plus years' service: One and two-thirds days for each calendar month of service up to twenty (20) equivalent days per year; maximum accumulation 38 days.
- c. Accrual by Employees on Leave: No annual leave shall accrue while an employee is on leave without pay, nor during any suspensions. (FMLA accruals see Rule IX, Section 13.6 Medical and other benefits, paragraph 4.). For purposes of determining the date upon which an employee will become eligible for a higher annual accrual rate, an employee's time which an employee is on Military Leave or Family and Medical Leave will be counted as if the employee had worked.
- d. Maximum Accumulation: No employee may accrue more than the maximum accumulation for their years of service. Any annual leave earned but not taken after an employee has accumulated the maximum days of unused annual leave shall become forfeited on the first day of the next calendar year.
- e. Request Procedure: A request for annual leave must be submitted to the employee's immediate supervisor. Annual leave may be taken only after approval by the appropriate Department Head so that, insofar as practicable, the department will be able to meet its operating needs without hiring additional temporary help. Annual leave shall be authorized in units of hours only.
- f. Payment for Unused Leave: Upon separation, the employee will be paid for all accumulated and unused annual leave.
- g. Denial of Annual Leave: If any employee applies to take, but is denied permission to annual leave, and such denial will result in accumulation of unused annual leave in excess of their maximum accumulation days as of December 31, the employee shall be allowed to carry forward the amount of excess accumulated annual leave which will not exceed the number of leave days which were previously denied.

SECTION 11. SICK LEAVE

The City of Forest Park has amended the Sick Leave Policy to include the newly enacted Kin-Care Law. Please take a moment to read section 11: a-b. If you need assistance in this area, please contact your supervisor.

- a. Purpose: The City provides sick leave to employees to encourage and enable employees to recover from a bona fide illness or injury which prevents the employee from working, and to enable employees to obtain medical or dental care for themselves, for medical examinations.. Sick leave ensures that employees will not suffer the loss of pay in order to take care of such personal needs which would interfere with their abilities to perform their duties. Sick leave is not and should not be utilized as a form of additional vacation benefits.
- b. Kin-Care Law:
 - (1) “Employees” (as defined in O.C.G.A 34-1-10(a)(1)) who have accrued paid sick leave time may use up to five (5) days of such accrued paid sick leave per year for the purpose of caring for an immediate family member (as defined in O.C.G.A. 34-1-10(A)(4)) to care for an employee’s child (including a son-in-law or daughter-in-law), spouse, grandchild, grandparent, or parent or any dependents as shown in the employee’s most recent tax return. Such leave shall be designated as “Kin-Care Leave.” Kin-Care Leave shall not increase the total amount of paid sick leave to which an employee is entitled. The term “sick leave” shall not include paid short-term or long-term disability leave.
 - (2) No employee shall be entitled to use more paid sick leave than the employee has accrued. Any employee who uses such “Kin-Care Leave” shall comply with the terms of the City’s employee sick leave policy.
 - (3) As a condition of taking “Kin-Care Leave” an employee may be required to provide a statement from a physician attesting to the immediate family member’s need for such care, provided that no employee shall be required to identify the immediate family member’s medical or health condition that necessitated the “Kin-Care Leave.”
- c. Eligibility: All covered employees, both career and working test, begin to accrue sick leave from the date they first start working in a covered position.
- d. Accumulation Rate: Sick leave accrues in accordance with the number of hours which constitutes the employee's normal workday. For twelve (12) hour per day employees, employees will be paid for twelve (12) hours of sick leave for each sick leave day accrued. Sick leave accrues at the rate of one (1) day for each calendar month of service up to a total of twelve (12) sick leave days per year.
- e. Maximum Accumulation: There is no limit to the number of accrued sick leave days.
- f. Required Use: Employees may be required to use sick leave benefits when taking Family and Medical Leave.

- g. Annual Sick Leave Sell-Back Incentive: Employees whose sick leave accruals exceed ninety-six (96) days may choose to allow all or a part of the excess sick leave to be assigned to the catastrophic sick leave bank or may sell back up to twenty percent (20%) of their unused accrued sick leave balance for the current year at their current hourly rate of pay. The sell-back incentive shall be based on annual accruals and sick leave balances as reflected by the City's payroll records.
- h. Eligibility for Sick Leave Sell-Back Incentive: Employees whose sick leave accruals total less than ninety (90) days may be eligible for the sick leave sell-back incentive as described above, after they have accumulated at least twenty-four (24) days of sick leave. However, no employee may sell back sick leave where the result would leave a balance of accrued sick leave which is less than twelve (12) days.
- i. Sick Leave Sell-Back Incentive Period: The calendar period for which an employee must exercise the sick leave sell-back rights begins on October 1 and terminates on September 30. Employees must notify the City of their choice whether to exercise sick leave sell-back incentive payment rights on the form provided by the Human Resources Director, not later than November 15. All sick leave incentive bonuses will be paid not later than the second payroll period in December. Employees who are eligible for the sick leave sell-back incentive program, but who elect not to receive payment, shall have their sick leave accumulation reserved in accordance with the provisions set forth above.
- j. Reporting: An employee wishing to have an absence covered by sick leave must report the need for such absence prior to his or her scheduled work time, if possible. If it is not possible to report the absence before the employee's scheduled starting time, the employee shall ensure that his or her absence is reported not later than one (1) hour after the scheduled time for the employee to begin work. Notwithstanding the foregoing, a Department may set more stringent reporting standards for its employees. The report shall be made to the employee's supervisor.
- k. Approval: Use of sick leave requires the approval of the Department Head. Failure to report sick leave within twenty-four (24) hours of an absence shall result in denial of sick leave with pay for the period of the employee's absence.
- l. Physician's Certificate: A medical statement signed by a licensed physician may be required to substantiate sick leave for:
 - (1) Absence of three (3) or more consecutive workdays.
 - (2) At any time when the Department Head concludes that the employee's history of absence includes frequent or habitual recurrences which suggest that the employee is abusing the sick leave privilege and using sick leave for additional vacation or personal time off unrelated to the employee's health needs.

(3) To support the use of unscheduled annual leave when sick leave has been exhausted.

(4) For Family and Medical Leave applications.

m. Forfeiture of Sick Leave: An employee who leaves the career service with less than ten (10) years of service, shall forfeit all unused sick leave and the employee shall not be entitled to be paid for unused sick leave.

n. Sick Leave Conversion upon Separation: Employees who voluntarily leave the career service after ten (10) or more years of service shall be eligible for payment of 20% of their accrued and unused sick leave up to a total of 60 equivalent days at their normal rate of pay. Example: sick leave balance x 20%, but no more than 60 equivalent days; 40 hr employee 60 days = 480 hrs; 53 hr employee 60 days = 640 hrs; 42.75 employee 60 days = 513 hrs.

SECTION 12. ANNUAL AND SICK LEAVE ACCRUAL

a. Annual Leave and sick Leave Accrual Generally: Annual and Sick Leave shall be accrued and taken on an hour-for-hour basis, with the exception of Fire Department shift personnel. Accrual rate for a "single day" shall vary in accordance with the number of hours which constitutes a normal workday for the employee as set forth in the examples below:

(1) General Employees: 40hr. wk./8 hr. day/2080 hr. yearly base (base monthly accrual rate is 8 hrs./month).

(2) Police (Shift): 42.75 hr. wk. */12 hr. day / 2223 hr. yearly base (base monthly accrual rate is 8.55 hrs./month).

(3) Police (Admin.): 42.75 hr. wk. */8.55 hr. day / 2223 hr. yearly base (base monthly accrual rate is 8.55 hrs./month).

(4) Fire (Shift): 53 hr. wk. *124 hr. shift/10.60 day/2756 hr. yearly based (base monthly accrual rate is 12 hrs./month).

b. Applicable Accrual Rate: No employee shall accrue annual or sick leave at a rate other than that applicable to the designated daily work schedule category to which they are assigned. (*Note: Weekly hour examples are averages for the current designated work cycles as adopted under the Section 7 (K) of the FLSA, option).

c. Annual Leave and Sick Leave Conversion/Transfer: Any employee who transfers from one daily work schedule category to another on a permanent basis shall have their Annual Leave and accrued Sick Leave "days" converted to the applicable hourly base of the category to which they are transferred. The conversion shall apply in all cases without regard to any increase or decrease in hours to ensure that all "days" accrued are maintained to preclude any inequitable gain or loss to the employee.

SECTION 13. FAMILY AND MEDICAL LEAVES OF ABSENCE ('FMLA')

The City of Forest Park, pursuant to the federal Family and Medical Leave Act of 1993 (FMLA) as amended, provides eligible employees with unpaid leave to care for certain conditions. There are two types of leave available. These include the basic 12-week leave entitlement (Basic FMLA Leave), as well as the military family leave entitlement (Military Family Leave) described in this policy.

For all questions, please contact the Human Resources Director. If an employee is going to be out less than 5 days, the event will not be considered FMLA (this will in no way be considered as intermitted leave for the same event).

a. Eligibility for FMLA Leave

Employees are eligible for FMLA leave if they:

- (1) Have worked for the City of Forest Park for at least 12 months;
- (2) Have worked at least 1,250 hours for the City of Forest Park during the 12 calendar months immediately preceding the request for leave; and
- (3) The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted, unless the break in service was caused by the employee's active duty with the National Guard or reserve, or there was a written agreement that the employer intended to rehire the employee after the break in service.

b. Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

- (1) To care for the employee's son or daughter during the first 12 months following birth;
- (2) To care for a child during the first 12 months following placement with the employee for adoption or foster care;
- (3) To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition;
- (4) For incapacity due to the employee's pregnancy, prenatal medical or childbirth; or

(5) Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

(6) Married couples: In cases where a married couple is employed by the City of Forest Park, the two spouses together may take a combined total of 12 weeks leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

c. Military Family Leave:

There are two types of Military Family Leave available:

(1) *Qualifying exigency leave.* Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the armed forces.

(2) “*Covered active duty*” means duty during deployment with the armed forces to a foreign country (for a member of a regular component of the armed forces); or duty during deployment with the armed forces to a foreign county under a call or order to active duty (for a member of a reserve component of the armed forces).

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of *leave*)
- Attending certain counseling sessions
- Attending post-deployment *activities* (available for up to 90 days after the termination of the covered service members covered active-duty status)

- Other *activities arising* out of the service member's covered active duty or call to *active* duty and agreed upon by the City of Forest Park and the employee.

(3) *Leave to care for a covered service member.* There is also a special *leave* entitlement that permits employees who meet the eligibility requirements for FMLA *leave* to take up to 26 weeks of leave, during any single 12-month period if the employee is, the spouse, son, daughter, parent, or next of kin caring for a covered military service member or *veteran recovering* from an injury or illness.

A "*covered service member*" is:

- (1) A member of the armed forces (including, a member of the National Guard or reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (2) A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed forces (including a member of the National Guard or reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A "*serious injury or illness*" means:

- (1) For a member of the armed forces (including a member of the National Guard or reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member's active duty *and* was aggravated by *service in* line of duty on active duty in the armed forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; *or*,
- (2) For a *veteran* who was a *covered* service member of the armed forces (including a member of the national *Guard* or reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the armed forces (or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the armed forces) and that manifested itself before or after the member become a veteran.
- (3) When both husband and wife work for the City of Forest Park, the aggregate amount of leave that can *be* taken by the husband and wife to care for a covered service member is 26 weeks in a single 12 month period.

d. Use of Leave

(1) *An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt employee's Department's operations. Intermittent leave may only be taken in blocks of time that are a minimum of 4 hours.*

(2) *Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.*

e. Pay, Benefits, and Protections During FMLA Leave

(1) *Leave is unpaid.* Family medical leave is unpaid leave (although employees may be eligible for short- or long-term disability payments and/or workers' compensation benefits *under those insurance plans*) if leave is taken because of an employee's own serious health condition.

(2) *Substitution of paid time off for unpaid leave.*

- If an employee has accumulated accrued paid leave, the City of Forest Park will require the employee to substitute accrued paid FMLA leave for unpaid FMLA leave, including use of any vacation time, sick leave (sick leave can only be used for employee's bona fide illness or injury), or compensatory leave time that the employee may have accrued. In this case, the employee will be paid during the FMLA leave until all accrued paid time has been exhausted.
- If an employee requests leave because of birth, adoption, or foster care placement of child, any accrued paid time off first will be substituted for unpaid family medical leave.
- If an employee requests leave because of the employee's own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid time off (vacation, personal leave, compensatory leave) first will be substituted for any unpaid family/medical leave.
- The substitution of paid leave time for unpaid leave does not extend the 12-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave result in the receipt of more than 100 percent of an employee's salary. An employee's Family Medical Leave runs concurrently with other types of leave (*e.g.*, paid vacation).

- For leave taken for a qualifying exigency, an employee may elect or the City will require substitution of paid personal, vacation, or family leave time for unpaid FMLA leave. The same rules apply as if the employee took FMLA leave to care for a family member with a serious health condition or for the birth or placement of a child.
- For leave to care for a seriously injured or ill family member in the military, an employee will substitute paid personal, vacation, family leave, or medical leave time for unpaid FMLA leave. The same rules apply as if the employee took leave for his or her own serious health condition. The City will not provide paid sick leave in any situation in which the employee is not normally entitled to receive. (In accord with Personnel Rule IX, Section 11).

f. Medical and other benefits.

- (1) *During* an approved Family Medical Leave, the City of Forest Park will maintain the employee's health benefits as if the employee continued to be actively employed. If paid *leave* is substituted for unpaid Family Medical Leave, the City of Forest Park will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through a check made payable to the City of Forest Park delivered to the City's Human Resources Department.
- (2) An *employee's* healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the payment is more than 15 days late, the City of Forest Park will send the employee a letter to this effect. If the City of Forest Park does not receive the co-payment within 15 days after the date of that letter; the employee's coverage may cease. If the employee elects not to return to work for at least 30 calendar days at the end of the *leave* period, the employee will be required to reimburse the City of Forest Park for the cost of the premiums paid by the City of Forest Park for *maintaining* coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.
- (3) During FMLA leave, the City will maintain the employee's health coverage under its "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.
- (4) While an employee is taking FMLA-covered leave, the employee will continue to accrue paid time off (including vacation and sick leave) at the same rate and in the same manner that the employee was accumulating such paid time off prior to taking FMLA-covered leave. As long as the employee is being paid

from his/her accrued leave. If an employee is on unpaid FMLA leave he/she would not accrue annual leave or sick leave during this period of time. If an employee is using unpaid FMLA on an intermittent basis, leave accruals will only calculate on that portion of the pay period. Questions regarding the calculations of leave accruals should be directed to the Human Resources Department.

g. Return to job at end of FMLA leave.

Upon return from FMLA leave, eligible employees will be restored to their or equivalent pay, benefits, and other employment terms.

h. Employee Responsibilities when Requesting FMLA Leave.

(1) If the *need* to use FMLA leave is foreseeable, the employee must *give* the City of Forest Park *at least* 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

(2) Whenever possible, employee should notify their Department Head of their need for FMLA then to the City of Forest Park Human Resources Department using the Request for Family/Medical Leave form available from the Departments and Human Resources.

(3) If the need for leave is not foreseeable, employees are required to provide as much notice as soon as practicable under the facts of the particular case. An employee requiring unforeseeable leave *must* be absent due to extraordinary circumstances. The employee is required to call his or her direct supervisor and provide sufficient information regarding the need for leave to support a request for FMLA leave. It generally should be practicable for the employee to provide notice of leave within one business day.

(4) When submitting a request for leave, the employee must provide sufficient information for the City of Forest Park to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. Calling in "sick" is not sufficient. Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave.

(5) Employees also must inform the City of Forest Park if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

i. Management Responsibilities:

(1) When an employee requests leave, the City of Forest Park Human Resources Department will inform the employee and department whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide.

(2) If the employee is not eligible under the FMLA, the City of Forest Park Human Resources Department will provide the employee and department with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA-protected, the City of Forest Park will inform the employee and department in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26 week entitlement.

j. Medical Certification:

(1) If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from their department or the Human Resources Department.

(2) When the employee requests leave, the City of Forest Park will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after leave is requested). If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

(3) Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The City of Forest Park, at its expense, may require an examination by a second healthcare provider designated by the City of Forest Park, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the City of Forest Park, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

(4) The City of Forest Park may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

(5) Employees may also be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.

k. Reporting While on Leave.

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact their Department on the first and third Tuesday of month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible), if the dates of the leave change, are extended, or were unknown initially.

l. Exemption for Highly Compensated Employees.

Highly compensated employees (i.e., highest-paid 10 percent of employees at the City) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial and grievous economic injury to the City of Forest Park. This fact-specific determination will be made by the City of Forest Park on a case-by-case basis. The City of Forest Park will notify employees if they qualify as "highly compensated" employees if the City of Forest Park intends to deny reinstatement, and of employees' rights in such instances.

m. Intermittent and Reduced-Schedule leave.

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the City of Forest Park will reduce the employee's salary based on the amount of time actually worked, unless doing so would render an employee normally exempt from minimum wage and overtime entitlement non-exempt.

In addition, while an employee is on an intermittent or reduced-schedule leave, the City of Forest Park may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.

n. Calculating the Leave Entitlement Year

(1) For purposes of calculating the amount of leave to which an employee is entitled, the City of Forest Park does *not* use a fixed calendar year. Rather it uses a "rolling" twelve consecutive-month period which is calculated by measuring

backwards from the date that the employee last used any FMLA leave. This period prevents employees from "stacking" two consecutive twelve-week leave periods beginning with the last three months of one calendar year and continuing to the first three calendar months of a succeeding calendar year.

(2) Each time the employee takes FMLA leave, the remaining balance in the employee's leave entitlement is equal to the portion of the 12-week leave entitlement that was not used in the immediately preceding 12 months. Thus, on each day of the year an eligible employee's FMLA leave entitlement is determined by the amount of leave she/he used in the 12 months before. As each new day is added, 1 day from 12 months ago is eliminated. If on that date 12 months before the employee took FMLA leave, 1 day of leave entitlement is created for the next 12 months.

SECTION 14. MILITARY LEAVE

- a.** Purpose: The City complies with all relevant state and federal laws concerning military leave. An employee requesting military leave must notify his/her department head and obtain approval from the department head and City Manager. Employees will be required to provide supporting documentation of the leave dates.
- b.** Reinstatement Procedure: Immediately upon release from active military duty the employee must inform the Department Head. The Department Head will schedule the employee to return to work as quickly as practicable.
- c.** Reinstatement Rights: Upon release from active military service, the employee is entitled to return to the same job, shift, work conditions and pay that the employee would have received had the employee not been called to active military duty.
- d.** Leave-Time Credited: The time the employee spends on military leave status shall be counted as if the employee worked for purposes of completion of working tests, pay raises, and rate of benefit accrual.
- e.** "Ordered Military Duty" means: Any military duty performed in the service of the state or of the United States including but not limited to attendance at any service school or schools conducted by the armed forces of the United States by a public officer or employee as a voluntary member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States pursuant to orders issued by competent state and federal authority without the consent of such public officer or employee.

f. Pay: Public officer or employee shall be paid his or her salary or other, compensation as such public officer or employee for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year and not exceeding 18 days in any one continuous period of absence. In the event the Governor declares an emergency and orders any public officer or employee to state active duty as a member of the National Guard, and such officer or employee, while performing such shall be paid his or her salary *or* other compensation as a public officer or employee for a period not exceeding 30 days in any one federal fiscal year and not exceeding 30 days in any one continuous period of such state active-duty service.

SECTION 15. COURT LEAVE

An employee called to serve as a juror will be granted leave of absence with pay. Employees subpoenaed to appear as witnesses for a party to a suit shall be compensated by the City only if the employee is being called as witness on behalf of the City.

SECTION 16. BEREAVEMENT LEAVE

An employee may take up to 24 working hours of bereavement leave at full pay for the death of an employee's immediate family member. Employees who work 24-hour shifts may take leave consisting of one 24-hour shift; employees who work 12-hour shifts may take leave consisting of two 12-hour shifts; and employees who work 8-hour shifts may take leave consisting of three 8-hour shifts. Employee must request bereavement leave by contacting their supervisor prior to the leave period. There is no accumulation of bereavement leave and no payment *upon* separation from city employment. **Immediate family members are defined below:

- a.** Spouse
- b.** Parent or Stepparent
- c.** Mother-in-law/Father-in-law
- d.** Child/Stepchild
- e.** Son-in-law/Daughter-in-law
- f.** Brother/Sister
- g.** Brother-in-law/Sister-in-law
- h.** Grandmother/Grandfather
- i.** Aunt/Uncle
- j.** Niece/Nephew

SECTION 17. LEAVE OF ABSENCE WITHOUT PAY

- a.** Under Six Months: Only the Appointing Authority/City Manager may grant a career service employee an unpaid leave of absence for a period not to exceed six (6) months.
- b.** More Than Six Months: Leave of absence without pay for a period exceeding six (6) months (but not more than one (1) year) may be granted only with the approval of the appointing authority.
- c.** Conditions for Approval: In approving Leaves of Absence other than Military Leave of Absence or Family and Medical Leaves, all Department Heads will enforce the following conditions:
 - (1) Leave without pay shall be granted only when it will not adversely affect the efficient operation of the Department and the interests of efficient City services;
 - (2) An employee's failure to return to work at the scheduled time upon expiration of the approved leave shall be considered as job abandonment.
 - (3) An employee who has been granted leave of absence for reasons other than Family and Medical Leave, Jury Duty or Military Leave of Absence, and who wishes to return before the leave period has expired shall be required to provide their department head at least one (1) week advanced notice. Upon receipt of such written notice, the employee shall be scheduled to return to work;
 - (4) Employees shall not accrue additional sick or annual leave while employee is on leave of absence without pay.
 - (5) An employee shall return from leave without pay at the same salary grade as the employee had when the leave commenced unless these Rules provide otherwise.
 - (6) An employee who plans to accept part time or full-time employment with an employer other than the City while the employee is on an authorized leave of absence without pay must provide the Department Head notice in writing and must receive the Department Head's approval of such employment in writing before accepting other position. Upon such a request, the Department Head shall have the right to terminate the employee's Leave of Absence without pay and require the employee to return to work for the City.
 - (7) An employee returning from a leave of absence without pay shall be entitled to employment in the same department in the same or equivalent

class wherein the employee worked when the leave commenced only if such a position is available.

(8) Military or FMLA Leave Conditions: In approving military leaves of absence for Military Leave or Family and Medical Leave, the provisions of subparagraphs c (2) and (6) shall apply.

SECTION 17. WORKMEN'S COMPENSATION

An employee who is temporarily disabled because of an injury or illness sustained in the performance of their duties for the City may be covered by the provision of the State Worker's Compensation Act.

SECTION 18. TEMPORARY DISABILITIES NOT COVERED BY WORKMEN'S COMPENSATION INSURANCE OR FMLA

- a. A disabled employee who exhausts all accrued sick and annual leave may be placed on an unpaid leave of absence, depending on the duration of the absence and the City's need to fill the position.
- b. A doctor's certification will be required to determine the medical necessity for and the length of leave necessary.
- c. Employees requiring maternity leave or who have other temporarily disabling conditions associated with *pregnancy*, but who do not qualify for Family and Medical Leave will be treated as if their disability was for any other medical condition not covered by the Family and Medical Leave Act.

SECTION 19. VOLUNTARY LEAVE DONATION

The Voluntary Leave Donation Program is intended to provide a qualified employee who has exhausted all paid leave time a means of financial assistance through the contributions of sick leave accruals from fellow employees. The program serves as a bridge between paid leave and becoming eligible for the health and accident fund. An employee seeking to use donated leave must satisfy the following eligibility criteria to become a qualified employee:

- a. The employee must have completed his or her original probationary period and be a full-time employee at the time the leave is used.
- b. The employee must have exhausted all of their own accrued annual leave, sick leave, and all other leave available to them before requesting leave under the Voluntary Leave Donation Program.
- c. The employee wishing to receive donated leave must submit a form. If the

employee is physically unable to do so, a family member may submit the form on his or her behalf.

- (1) The department will review the request and forward it to Human Resources.
- (2) Human Resources will provide a notification system in order to post notices within each department for the donated leave request.
- (3) The notices will contain information as to the employee requesting leave and his or her expected return date.
- (4) Human Resources will monitor the notification system and accept leave donations up to the expected return date.

d. The employee must provide medical verification by obtaining a medical statement signed by a licensed physician that:

- (1) verifies and describes the incapacitating condition that requires the employee's absence; and
- (2) provides the beginning date of treatment and the date the employee is expected to return to work.

e. The employee must be suffering from an severe illness or severe injury. Minor illnesses and injuries are not covered under the Voluntary Leave Donation Program.

- (1) Severe illness or severe injury means a catastrophic medical condition that would require the employee's absence from work for an extended period of time and would result in a loss of income.

An employee wishing to donate leave must satisfy the following conditions:

- The employee must complete a donation form, which must specify who is to receive the donated hours and the number of hours to be donated.
- The employee may donate up to eight (8) hours if he or she has less than four (4) weeks of accrued sick leave on the books. If the donating employee has more than four (4) weeks of accrued sick leave, he or she may donate up to 40 hours of accrued sick leave.
- The employee receiving donated leave will be paid at his or her current pay rate, not the pay rate of the donor.

All donations of eligible leave will be voluntary and confidential, and no individual employees may receive remuneration of any kind for leave that is donated. No employee may

intimidate, threaten, or coerce any other employee with respect to donating or receiving leave under this program.