

	Family and Medical Leave Policy	
	Section No: 4.06	
	Category: Benefits and Leave Policies	
	Resolution Number: 257-2026	
	Effective Date: September 1, 2026	
	Supersedes: former Section 16, Resolution 2009-050, effect date: 8/5/2008	
	Next Review Date: September 1, 2028	
Responsible Office: Human Resources		
Policy Applies to:	☒ All City employees (Full-time, Part-time, LSEs, temps, etc.) ☐ All City and School Employees	☐ Full-Time employees only ☐ Other: _____

Relevant Definitions

Serious health condition: A serious health condition involves an illness, injury, impairment, or physical or mental condition requiring inpatient care or continuing treatment by a health care provider, as defined by federal regulations.

“Worked”: The term “worked” does not include vacation leave, sick leave, bereavement leave, compensatory time, holidays, personal leave, disability leave, or workers’ compensation leave.

Continuous FMLA leave: FMLA leave taken in one uninterrupted block of time for a single qualifying reason

Intermittent FMLA Leave: FMLA leave taken in separate blocks of time for a single qualifying reason, rather than in one continuous period.

Policy

The City complies with the Family and Medical Leave Act of 1993, as amended, and provides eligible employees with unpaid, job-protected leave for qualifying reasons.

EMPLOYEE ELIGIBILITY:

An employee is eligible for FMLA leave if they:

- Have been employed by the organization for at least 12 months;
- Have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

QUALIFYING EVENTS:

Eligible employees may take up to 12 weeks of FMLA leave in a 12-month period for the following reasons:

- The birth of a child and care for the newborn;
- Placement of a child for adoption or foster care;
- Care for a spouse, child, or parent with a serious health condition;
- The employee's own serious health condition that makes them unable to perform essential job functions; or
- Certain qualifying exigencies related to a spouse, child, or parent's active-duty military service

Leave taken for the birth or placement of a child must be taken within one year of the date of birth or placement.

SPOUSES WHO WORK FOR THE SAME EMPLOYER

Under the FMLA, spouses who work for the same employer share the total number of workweeks of FMLA leave.

Spouses who work for the same employer share a total of 12 workweeks of FMLA leave per leave year for:

- The birth of a child,
- Placement of a child with the employee for adoption or foster care, or
- Care for a parent with a serious health condition.

Spouses who work for the same employer also share a total of 26 workweeks of FMLA to care for a military family member with a serious injury or illness.

Spouses who work for the same employer may each use a total of 12 workweeks of FMLA leave in a leave year for:

- Their own serious health condition,
- To care for a spouse or child with a serious health condition, or
- Due to a qualifying exigency (specific to military or foreign deployment).

REQUIRED FMLA NOTICES:

The City, through Human Resources, will provide all required FMLA notices in accordance with federal law, including:

- Notice of Eligibility & Rights and Responsibilities;
- Designation Notice; and
- Medical Certification of Health Care Provider form, which must be completed by the

employee's or family member's health care provider to support a request for FMLA leave.

Employees will also be notified in advance if the City requires recertification or a fitness-for-duty certification prior to returning to work.

These notices ensure employees are informed of their rights and responsibilities under the FMLA.

NOTICE REQUIREMENT:

Employees must provide Human Resources with notice of the need for leave. The employee should provide as much advance notice as possible so that appropriate arrangements can be made to cover any work that needs to be performed during the absence. Failure to provide timely notice may result in a delay in the leave and/or cause the absence to be considered as absence without leave. The minimum required notice under the FMLA is as follows:

- When the need for leave is foreseeable, the employee must provide 30 days' advance notice.
- If 30 days' notice is not practicable, notice must be given as soon as practicable, which generally means at least a verbal notice given within one or two business days of learning of the need to take FMLA leave.
- If the approximate timing for leave is not foreseeable, an employee still should give notice of the need for leave as soon as practicable.

Failure to follow applicable notice and call-in requirements notice may result in a delay in the leave and/or cause the absence to be considered as absence without leave.

In addition, employees on FMLA leave must provide periodic reports to the Human Resources Director or designee, regarding their status and intent to return to work.

Employees should contact the Human Resources Director or designee, for appropriate forms and further information about FMLA leave.

Use of Paid Leave

When an employee is on FMLA leave, such employee must use all available sick leave hours, then vacation leave hours, compensatory time, personal leave (in this order) concurrently with FMLA leave. Once all such paid leave is exhausted, the balance of FMLA leave will be unpaid.

MEDICAL CERTIFICATION:

The City requires medical certification to support a request for FMLA leave. Employees must provide complete and timely certification as requested. Failure to provide required certification

may result in denial or delay of FMLA leave.

The required FMLA paperwork will include:

- date the condition began;
- probable duration;
- appropriate medical facts;
- statement of employee family situation or that the employee is unable to perform job functions; and
- other information as permitted.

The City may also require:

- periodic recertification;
- fitness-for-duty certification prior to returning to work, when applicable.

In addition to the certification required with a request for leave that qualifies as a serious health condition, the City may require a second opinion from a second health care provider designated by and paid for by the city.

If the first and second opinions conflict, the city may require the employee to submit to a third examination at the city's expense by a health care provider chosen jointly by the employee and the city. The opinion of the third health care provider is final and binding.

Intermittent FMLA Leave:

Employees, when qualified, are permitted to take leave on an intermittent basis or leave on a reduced schedule for the employee's serious health condition or to care for the employee's spouse, son, daughter, or parent with a serious health condition.

To qualify for intermittent leave or leave on a reduced schedule, the employee must submit certification to establish the medical necessity of the leave. Employees needing intermittent leave or leave on a reduced schedule for foreseeable medical treatment must work with their department head and the Human Resources Director, or designee, to schedule the leave so as not to unduly disrupt the city's operations, subject to the approval of the employee's health care provider. The employee may be transferred temporarily to an alternative position with equivalent pay and benefits that better accommodates the leave

Employee Benefits:

While the employee is on FMLA status, the City will maintain group health insurance coverage, including family coverage, on the same terms as if the employee continued to work.

Employees are required to continue paying the employees' portion of health insurance premiums while on FMLA leave. Information on how health insurance premiums are to be paid while on FMLA leave may be obtained from Human Resources or Benefits Manager.

The City's obligation to maintain health insurance benefits under FMLA stops at the end of the leave if an employee does not return to work at the end of the leave period.

The city's obligation to maintain health insurance benefits also stops if the employee's premium payment is more than 30 days late and the city has mailed written notice to the employee at least 15 days before coverage is to cease if payment is not received. The notice will specify a date at least 15 days after the date of the notice. Coverage will be dropped unless payment is received by that date. The City may seek reimbursement for any health insurance premium paid on behalf of the employee if the employee fails to return to work from FMLA leave.

Reinstatement:

Employees are entitled to reinstatement to the same or similar position upon return from FMLA leave.

If the same job is not available, the Human Resources Director, or designee, will determine in which similar position the employee should be placed, making sure that the position has equivalent pay, benefits and conditions of employment.

Employees who take leave due to their own serious health condition may be required to provide certification from a health care provider that they are able to perform the essential functions of their position.

Military Leave Provision / Qualifying Exigency Leave:

Eligible employees may take up to **12 workweeks of FMLA leave** in a 12-month period for qualifying exigencies arising from the active duty or call to active duty of a spouse, child, or parent who is a member of the Armed Forces, National Guard, or Reserves.

Qualifying exigencies may include, but are not limited to:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling related to the deployment
- Rest and recuperation visits
- Post-deployment activities

Appropriate certification and documentation may be required to support qualifying exigency leave.

FMLA Military Caregiver Leave:

An employee who is the spouse, child, parent, or next of kin (nearest blood relative) of a covered servicemember 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 incurred in line of duty while on active duty, may take up to **26 workweeks in a 12 month period to care for the servicemember**. However, this leave will be combined with any other FMLA leave the employee takes in the same period, and the combined total is not to exceed 26 workweeks. **Leave for a spouse employed by the same employer is limited to a combined total of 26 workweeks for servicemember family leave.**

Consequences of Policy Violation

Fraudulent use or abuse of FMLA leave may result in disciplinary action, up to and including termination.

Related Information or Procedures:

MEASUREMENT PERIOD:

The City uses the rolling 12-month method to measure the yearly period for leave entitlement. This means when determining how much FMLA leave an employee may take at any given time, we will look at the previous 12 months to determine if that employee has already used some of the 12-week FMLA leave.

Other Provisions:

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. Furthermore, this statement constitutes only the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

Contacts

The Human Resources Office can address questions regarding this Policy: phone: (423) 229-9401, email: HROffice@kingsporttn.gov