

## CITY OF WOODCREEK, TEXAS

### FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY

#### I. PURPOSE

The purpose of this policy is to ensure compliance with the Family and Medical Leave Act (FMLA), Texas state law, and best practices for municipal employees as recommended by the Society for Human Resource Management (SHRM). The City of Woodcreek provides eligible employees with unpaid, job-protected leave for qualified family and medical reasons in accordance with federal law.

#### II. ELIGIBILITY

Employees are eligible for FMLA leave if they:

1. Have worked for the City of Woodcreek for at least 12 months (these months do not have to be consecutive); and
2. Have worked at least 1,250 hours during the 12 months immediately preceding the leave request.
3. Currently receives other city provided benefits.

#### III. QUALIFYING REASONS FOR LEAVE

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

1. The birth of a child and to care for the newborn child within one year of birth;
2. The placement of a child with the employee for adoption or foster care and to care for the newly placed child within one year of placement;
3. To care for the employee's spouse, child, or parent with a serious health condition;
4. The employee's own serious health condition that makes them unable to perform their job functions;
5. A qualifying exigency related to a spouse, child, or parent being a military member on covered active duty.

**Military Caregiver Leave:** Employees who are the spouse, child, parent, or next of kin of a covered service member with a serious injury or illness may be eligible for up to 26 workweeks of unpaid leave in a single 12-month period.

#### IV. LEAVE ENTITLEMENT & CALCULATION

The 12-month period is measured on a rolling basis, looking back from the date an employee uses FMLA leave.

#### V. PAID LEAVE SUBSTITUTION

The employer will pay for the first two weeks of medical leave at full salary.

After such time, accrued “paid leave” (Paid time off and Vacation time) shall be used up to exhaustion.

#### VI. NOTICE & CERTIFICATION REQUIREMENTS

1. Employees must provide at least 30 days’ advance notice of the need for FMLA leave when foreseeable. If the need for leave is not foreseeable, employees must notify the City Administrator as soon as practicable.
2. Employees may be required to submit medical certification from a healthcare provider to support leave requests for serious health conditions.
3. The City may require periodic updates and a fitness-for-duty certification before an employee returns to work.

#### VII. JOB PROTECTION & BENEFITS

1. Employees returning from FMLA leave will be restored to their same position or an equivalent position with the same pay, benefits, and terms of employment.
2. Health insurance coverage will continue during FMLA leave under the same conditions as if the employee were actively working. Employees must continue to pay their portion of health insurance premiums.

#### VIII. FAILURE TO RETURN & EXTENDED LEAVE

If an employee does not return to work at the end of their FMLA leave, the City may recover health insurance premiums paid on their behalf unless the failure to return is due to continued serious health conditions or other circumstances beyond their control.

#### IX. RETALIATION PROHIBITION

The City strictly prohibits retaliation against any employee for requesting or taking FMLA leave.

#### X. HYBRID WORK-FROM-HOME OPTION

Should an employee need the full 12 weeks of medical leave, but still wish to work or be compensated, an alternative to the traditional FMLA options may be negotiated with the City Administrator.

A temporary compensated work-from-home alternative, up to the full FMLA 12-week limit, with full or half salary can be considered on a case-by-case basis.

This is only an option after all “paid leave” has been exhausted.

#### XI. ADMINISTRATION & ENFORCEMENT

This policy will be administered by the City Administrator. Employees with questions regarding their FMLA rights should contact the City Administrator.

#### XII. POLICY ADOPTION & AMENDMENTS

This policy shall be reviewed and adopted by the City Council of Woodcreek, Texas, and may be amended as necessary to comply with legal and operational needs.