

	TOWN OF PARADISE VALLEY	
	Administrative Policy	
Title: FAMILY AND MEDICAL LEAVE ACT LEAVE		Policy No. AP-10.4
Policy Owner: Gina Monger, Human Resources Director		
Approved By: Andrew Ching, Town Manager		
Authorized By: <i>Chapter 10: Holiday and Leave Benefits, Town Employee Handbook</i>		Revision History: None
		Effective Date: 06/23/2024

1. PURPOSE

This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 10: Holiday and Leave Benefits* of the *Town of Paradise Valley* (hereinafter referred to as the “Town”) *Employee Handbook*.

2. ELIGIBILITY

2.1. In accordance with the Family and Medical Leave Act (FMLA), the Town is a covered employer and employees are eligible for 480 hours of unpaid, job-protected leave, based on a rolling 12-month calendar if they:

2.1.1. Have worked for the Town for at least 12 months; and

2.1.2. Have worked at least 1,250 hours (excluding paid time off) with the Town during the 12 months prior to the start of their FMLA Leave period.

2.2. The 12-month period for FMLA Leave is calculated as a rolling 12-month calendar period measured backward from the date of any (prior) FMLA Leave usage. Each time an employee uses FMLA Leave, the remaining leave is the balance of the 480 hours not used during the 12 months immediately before the (new) FMLA Leave is to start.

2.3. If an employee is considered a key employee as defined under FMLA, the Town is not required to restore the employee following FMLA Leave if such restoration will cause substantial and grievous economic injury to the Town.

3. QUALIFYING REASONS

3.1. Eligible employees may be approved for a total 480 hours of FMLA Leave (for one or more qualifying reasons) in a rolling 12-month calendar period for:

3.1.1. The birth of a child or placement of a child with the employee for adoption or foster care.

3.1.2. The care for a child, spouse, or parent who has a serious health condition.

3.1.3. A serious health condition that makes the employee unable to work.

3.1.4. Reasons related to a family member’s service in the military, including:

3.1.4.1. Qualifying exigency leave for certain reasons related to a family member’s foreign deployment.

3.1.4.2. Military caregiver leave for when a family member is a current servicemember or recent veteran with a serious injury or illness.

3.2. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a healthcare provider, and generally involves a period of incapacity. Incapacity means an individual is unable to work, attend school, or perform other regular daily activities because of the serious health condition, due to treatment of it, or for recovery from the condition.

4. ADMINISTRATION

4.1. Notice Requirements

4.1.1. Employee will notify Human Resources, verbally or in writing, as soon as possible of their (possible) need for FMLA Leave each time but will provide at least 30 calendar days for foreseeable leave needs. If 30 calendar days' notice is not provided and without reasonable cause, the Town may delay the FMLA Leave by the amount of time that the employee failed to provide notice to the Town.

4.1.2. If the need for FMLA Leave is unexpected, employees must provide notice as soon as possible and practical.

4.1.3. Human Resources will respond in writing within five business days from the request for FMLA Leave as required by statute.

4.1.4. Supervisors will notify Human Resources of all employee absences due to medical reasons that exceed three workdays and any circumstances that may cause the employee to be absent from work due to a medical condition.

4.2. Medical Certification

4.2.1. A medical (re)certification will be required for qualifying reasons related to the serious health condition of the employee or eligible family member, at the affected employee's expense. The Town will not require certification for leave to bond with a newborn child or a child placed for adoption or foster care.

4.2.2. The medical certification must be received by Human Resources within 15 calendar days from the date the employee receives their response from Human Resources to their request for leave. An extension may be granted if the certification is insufficient or not provided, and the employee made a diligent, good faith effort to meet the deadline.

4.2.3. Employees may be required to provide a recertification of a serious health condition every 30 calendar days, unless a longer period is stipulated in the prior certification.

4.2.4. If the employee's need for FMLA Leave lasts beyond a 12-month period, the employee may be required to provide a new medical certification in each new FMLA Leave year.

4.2.5. The Town will be responsible for any expense related to a second or subsequent opinions, following receipt of a certification from an employee, from a healthcare provider for the purposes of FMLA Leave.

4.2.6. If an employee's pay does not cover the full amount of the premium in any calendar month, then the employee must pay the difference directly to the Town, no later than the last day of the month. If payment is not received by the Town, then the provisions of the eligibility for employer contributions will apply.

4.3. Designation and Concurrent Leave

- 4.3.1. Human Resources will review requests for FMLA Leave and designate leave in accordance with this subsection and the provisions of the FMLA. FMLA Leave may be designated for continuous and/or intermittent use.
- 4.3.2. Any paid or unpaid leave taken for absences under the employee's approved FMLA Leave will be designated as FMLA Leave and counted against the amount of FMLA Leave the employee has available to use during the rolling 12-month period. Employees on approved leave will utilize all available paid leave concurrently with approved FMLA Leave. Employees on approved FMLA Leave will continue to be eligible for Town benefits, subject to each benefits' provisions.
- 4.3.3. An employee's absence from work due to a serious health condition resulting from an approved worker's compensation claim, will be automatically designated as approved FMLA Leave, and such approved leave will run concurrently with worker's compensation-related absences.
- 4.3.4. Human Resources may designate employee absences related to qualifying reasons from work in excess of three workdays as FMLA Leave if sufficient information is available without a medical certification.

4.4. Benefits

- 4.4.1. The Town will continue to pay the employer portion of the healthcare premiums provided the employee is in pay status each month and pays their portion of the healthcare premiums.
- 4.4.2. Employees on approved FMLA Leave will continue to be eligible for Town benefits, subject to each benefits' provisions.

4.5. Return to Work

- 4.5.1. Employees on approved FMLA Leave, excluding intermittent leave, due to their own serious health condition will provide a release from their healthcare professional to Human Resources that they are released to work prior to their return to duty.
- 4.5.2. Based upon the most recent medical certification, employees who are not able to return to work their same or similar position after exhausting their FMLA Leave, will work with Human Resources and the Town to identify the next action to be taken, including initiating the reasonable accommodation process, as provided for in the reasonable accommodation and fitness-for-duty administrative policy.