

RESOLUTION NUMBER R18-005

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA, AMENDING, SECTION 2600 FAMILY MEDICAL LEAVE ACT (FMLA), OF THE CITY OF SAFFORD PERSONNEL MANUAL.

WHEREAS, in December 1999 the Governing Body adopted the City of Safford Personnel Manual to establish guidelines regarding policies, practices, programs, and procedures; and,

WHEREAS, Section 2600, outlined the use of FMLA; allowing the organization to make the election for the employees to use of FMLA, allowed an additional 12 weeks beyond what the regulations afforded to the employee, restricted the flexibility of the use of vacation and sick leave while employee was out on FMLA, did not have an established procedures for employees to pay their portion of the health benefits premium while in a LWOP status during use of FMLA.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAFFORD, that Section 2600 of the City of Safford Personnel Manual is amended as follows; and further, all previous statements of policy concerning "Family Medical Leave Act (FMLA) hereby rescinded and superseded by this resolution.

PURPOSE: The City of Safford establishes the following procedures in accordance with the Family Medical Leave Act (FMLA).

Eligible employees may take up to 12 weeks of leave (or up to 26 weeks of leave to care for a covered servicemember with a serious injury or illness) in a consecutive 12-month rolling year under the Family and Medical Leave Act (FMLA). Except as otherwise set forth herein, the leave may be taken in one block or intermittently.

An employee may, in her or his discretion, use any accrued paid time off or LWOP while on FMLA leave. The combined total of accrued paid time off and LWOP cannot exceed 12 weeks (or 26 weeks of leave to care for a covered servicemember) in a consecutive 12-month rolling year.

The combined total of any short-term disability benefits and paid time off may not exceed the amount the employee would have been paid if he or she had not been on FMLA leave.

ELIGIBILITY:

To be eligible for FMLA leave, an employee must:

- Have worked for the City of Safford for at least 12 months (this time frame also includes certain non-consecutive periods of employment); and

- have worked at least 1,250 hours in the 12 months before taking leave.

A qualified employee may use FMLA leave for any reason permitted under the law, including:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (such leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a serious health condition;
- For the employee's own serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies arising out of the fact that the spouse, 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.
- To care for a spouse, son, daughter, parent, or next of kin who is covered service member with a serious injury or illness incurred in the line of duty (up to 26 weeks total).

Supporting documentation will be required when using FMLA.

REQUEST FOR LEAVE:

An employee must submit their request for FMLA 30 days in advance if the need for leave is foreseeable. If unable to submit the request 30 days in advance, the request must be submitted as soon as practical.

FMLA requests must be routed for approval through Human Resources.

BENEFITS:

While the employee is on FMLA leave, the employee's health insurance coverage will continue as if the employee were not on leave. The employee will be required to pay any unpaid portion of the insurance premium upon return to work, with a payment plan being established if needed.

Vacation and sick leave will continue to accrue proportionately to the pay received by the employee during the leave (e.g., half pay -- half accrual; quarter pay -- quarter accrual). Vacation and sick leave will not accrue during any unpaid portion of the leave.

RETURN TO WORK:

Except as otherwise permitted by law, when the employee returns to work from an FMLA absence, he or she will be reinstated to the position held at the time the leave commenced or to a substantially equivalent job with equivalent pay, benefits, and other terms and conditions

of employment.

FAILURE TO RETURN TO WORK:

If an employee does not return to work within three (3) calendar days of the scheduled return date, or does not contact her or his supervisor or Human Resources to explain the reason for any delay, the employee will be considered to have voluntarily abandoned their employment.

Referenced:

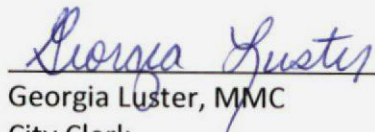
<https://www.dol.gov/general/topic/benefits-leave/fmla>

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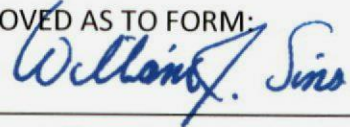
Jason Kouts, Mayor
City of Safford

ATTEST:



Georgia Luster, MMC
City Clerk

APPROVED AS TO FORM:

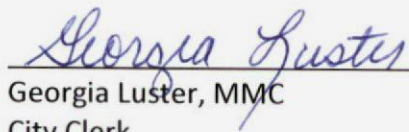


William J. Sims, III
City Attorney


State of Arizona)
) ss
County of Graham)

CERTIFICATION

I HEREBY CERTIFY, that the foregoing Resolution Number R18-005 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a Regular City Council Meeting held February 12, 2018 and that a quorum was present at the meeting.



Georgia Luster, MMC
City Clerk



Date: