



CITY OF BIRMINGHAM, AL
HUMAN RESOURCES POLICY

Revision Effective: July 1, 2019

SECTION	SUBJECT
	FAMILY AND MEDICAL LEAVE POLICY

PURPOSE

The City of Birmingham provides up to twelve (12) work weeks of unpaid, job-protected leave under the Family and Medical Leave Act (FMLA) in a rolling 12-month period for medical and family related reasons.

The Family and Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees may take up to twelve (12) work weeks of unpaid, job-protected leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to covered active duty status.

In addition, eligible employees may qualify for up to twenty-six (26) work weeks of unpaid, job-protected leave to care for seriously ill or injured covered service members.

POLICY SCOPE

This policy applies to City of Birmingham employees who have worked for the City of Birmingham for at least twelve (12) months; and has worked at least 1,250 hours for the City of Birmingham during the 12-month period immediately preceding the leave. If a City of Birmingham employee wishes to take FMLA and is eligible, the following steps should be taken:

1. EMPLOYEE REQUEST/NOTICE REQUIREMENTS

Effective communication is critical throughout the FMLA process and is a key component of successful FMLA administration. The employee must provide notice of the need for FMLA to Human Resources, his/her Immediate Supervisor, or Payroll Coordinator.

- A notice of the Rights and Responsibilities under FMLA should be provided to the employee after three (3) consecutive days of an absence for health-related reasons.
- If the need for FMLA leave is foreseeable, the employee must give at least thirty (30) days notice. IF the employee does not provide at least thirty (30) days notice and it was possible to do so, the FMLA leave may be delayed.

2. QUALIFICATION NOTICE

Within five (5) business days following the employee's request for FMLA leave, Human Resources will determine if the employee is eligible for leave under FMLA. Only eligible employees are entitled to take FMLA leave.

- Human Resources will send the employee a Notice of Eligibility and Rights & Responsibilities within 5 business days of leave request.
- Notice of Eligibility will be sent to the Employee along with the FMLA packet containing required forms and instructions for submission.
- *The Department Head, Immediate Supervisor and Payroll Coordinator should not treat the qualification notice as an "approval" of FMLA coverage.*

3. SUBMIT CERTIFICATION/ SUPPORTING DOCUMENTATION

Certification will be required from a health care provider in all leave cases involving an employee's serious health condition and an employee's family member's serious health condition.

- The employee must provide sufficient certification/supporting documentation to Human Resources within fifteen (15) calendar days following the City of Birmingham's request.
- The certification should **not** be given to the Department Head, Immediate Supervisor or Payroll Coordinator, and it should **not** be kept in department files.
- The documentation may be submitted by:

- Fax: (205) 297-8010
- Email: LOA@birminghamal.gov
- Hand Delivery/Mail:

**COB Human Resources
ATTN: Benefits
710 20th Street North, Suite 800
Birmingham, Alabama 35203**

- If the submitted certification is incomplete or insufficient, the employee will be allowed seven (7) calendar days to address the deficiency once advised by Human Resources.
- If the employee does not provide the requested certification within the time required or fails to provide a complete and sufficient certification within the extended deadline, the City of Birmingham may deny the employee's request for FMLA leave.

4. DESIGNATION NOTICE

Human Resources will notify the employee whether the leave will be approved and designated as FMLA leave based on complete and sufficient certification and/or supporting documentation.

- Human Resources will send the Designation Notice (approval) to the Employee, Department Head, Supervisor and Payroll Coordinator.
- The notice will specify the length of the leave, the expected return date, and any other specifics regarding the frequency of an employee's expected absence (intermittent leave). The department should contact an HR Benefits Advisor if there are any questions about the notice.

Eligible employees may receive up to twelve (12) work weeks of unpaid leave during any "rolling 12-month period," measured backward from the date an employee uses FMLA leave. When leave is to care for a service member or veteran with a serious injury or illness, an eligible employee may take up to 26 work weeks of leave during a single 12-month period.

- If the employee is eligible for FMLA and the leave is approved, the employee will be placed on FMLA leave.
- Absent unusual circumstances, employees must follow his or her department's procedure for requesting leave and calling in absences. When calling in or requesting FMLA related absences, employees must provide sufficient information to have the time-off coded as FMLA.
- Employees must use all accrued benefit time – i.e. sick, vacation, or other leave – before being placed in an unpaid status.
- Employees should maintain communication with Human Resources, his/ her Department Head, Supervisor or Payroll Coordinator, if there are any changes to their condition or expected start/return date.

5. RECERTIFICATION

After the initial certification, Employees are required to provide an additional or amended certification to Human Resources to renew or change the leave request. Recertification is necessary when the employee seeks an extension of his or her leave.

- If the employee does not provide the requested certification within 15 calendar days, the City of Birmingham may deny the employee's FMLA leave.
- Human resources may request recertification if the department reports that the employee's attendance pattern is inconsistent with the parameters of the approved leave.

6. EXTENSION OF LEAVE

It is the employee's responsibility to provide sufficient documentation to Human Resources for a leave extension.

- Within FMLA 12 Weeks - Human Resources will determine if the request qualifies for an extended medical leave or reasonable accommodation.
- After FMLA 12 Weeks – The Department Director may grant an extension of medical leave up to 30 days. This extension will not be considered protected leave under the FMLA.
- If an additional extension is needed after the 30 days, the employee should contact Human Resources to determine if they are eligible for an accommodation under the Americans with Disabilities Act (ADA). Human Resources will explore reasonable accommodation options by engaging in interactive communications with the employee to identify the most appropriate solution. ADA accommodations are available only if the employee's condition meets the criteria that is set out in the City's Americans with Disabilities Act Policy.

7. RETURN TO WORK

The City of Birmingham requires employees taking leave for a serious health condition to obtain a medical release from their health care provider prior to returning to work. Five (5) business days from the employee's scheduled return to work, Human Resources will notify the employee of the expected return to work date.

RETURNING TO WORK - FULL DUTY/NO RESTRICTIONS

- The FMLA Administrator will contact the Department Director, Supervisor and Payroll Coordinator regarding employee's return to work status.

RETURNING TO WORK - WITH RESTRICTIONS

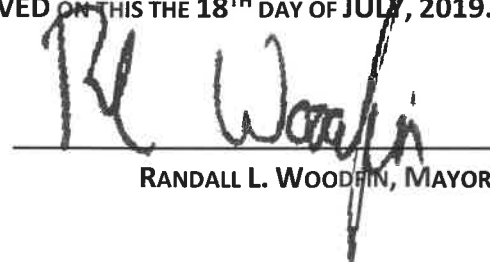
- Employee must provide certification from their health care provider listing the specific limitations and/or restrictions, before they will be allowed to return to work.
- The Occupational Health & Safety Administrator will review certification and work together with the employee and the designated department contact to determine an accommodation (if applicable) and develop a return to work plan.

8. REINSTATEMENT

Upon return to an active status, an employee who has been on FMLA leave is required to be reinstated in the same position or a position of equivalent grade and salary unless extenuating circumstances are present.

The adoption of this policy supersedes any and all prior personnel policies, resolutions or executive orders that conflict with the provisions herein.

APPROVED ON THIS THE 18TH DAY OF JULY, 2019.



RANDALL L. WOODFIN, MAYOR