

16:026 Employee Leave Policy (CLG)

1. What is your name and jurisdiction?

City of Middletown

2. Does your jurisdiction have a formal "Employee Leave Policy"?

Yes

3. Does your jurisdiction have a parental leave policy? If so, what is it and who is covered by it? For example does your jurisdiction's policy offer paid maternal, paternal, and adoption leave?

Covered under FMLA

4. What is your jurisdiction's family medical leave policy?

Attached

5. Does your jurisdiction offer "flexible" scheduling to staff? If so, how does it work and what employees are covered by it?

No

6. What is your jurisdiction's "jury duty" policy?

Attached

7. Does your jurisdiction have a "caregiving" policy? If so, what is the eligibility, duration, and is it paid?

Under sick leave and FMLA Policy attached

8. Does your jurisdiction have a "grief" policy? If so, how is eligibility determined, what is the duration permitted for leave, and is it paid?

Under sick leave policy attached

9. What is your jurisdiction's "military leave" policy?

Policy Attached

10. Please email your jurisdiction's Employee Leave Policy to alanser@c4lg.org.

Done

Powered by



See how easy it is to [create a survey](#).

CHAPTER 121 -SICK LEAVE

121.01 Sick Leave Eligibility and Accumulation

All full-time employees, including probationary employees, shall be eligible for the provisions of this regulation unless covered by a contract with a collective bargaining unit. Each full-time employee shall be credited with 10 hours of sick leave per month. The hours of sick leave earned shall be credited to each employee on the first check date of every month. The accumulation of sick leave will be unlimited. Employees on leave without pay for any reason, exceeding two (2) consecutive weeks, shall not accrue sick leave benefits.

121.02 Approval of Usage

The Department Director or other authorized official designated by the Department Director has authority to approve or deny the use of sick leave. Sick leave shall not be approved for unauthorized uses. The Department Director may, at his/her discretion, require a doctor's certificate of cause and/or a signed statement regarding the facts surrounding the reason for sick leave for any claim of sick leave.

121.03 Payment for Usage

An employee may receive sick leave pay for a normal work period only. If an employee who works a 40-hour week is scheduled to work on a holiday and reports off sick, the employee will receive regular holiday pay -- no sick leave will be charged. Employees shall be charged for sick leave usage on a half hour basis of not less than one-half hour increments.

121.04 Authorized Uses of Sick Leave

Sick leave credit may be used for the following:

- a) Sickness or off-duty injury to the employee, provided in the case of injury, it is not in connection with outside employment.
- b) On-the-job injury of the employee, the first five days off following the day of the injury unless the employee is hospitalized during these day.
- c) Quarantined because of contagious disease.

- d) Sickness or disability in the immediate family. The immediate family is the father, mother, sister, brother, husband, wife or child of the employee. Time off shall not exceed three days for any one illness of the family member without the written approval of the Department Director, except for medical leave cases covered by the FMLA policy.
- e) Death in the immediate family. The immediate family is defined as the employee's spouse, child or stepchild, grandchild, parent, stepparents, grandparent, brother, sister, parents or step-parents of spouse, and grandparents of spouse. An employee may utilize sick leave with the approval of the Department Director for participation in funeral services or arrangements not covered by Funeral Leave.
- f) Family leave as defined in the Family Medical Leave Act policy.

121.05 Reporting Off Sick

Each department may determine the appropriate time and procedure for reporting off sick, except that no department shall require more than 30 days notice for foreseeable sick leave. The City will not waive this notice requirement.

121.06 Employee's Claim for Sick Leave

The employee shall submit Form 2.34.6 in order to receive payment under the Sick Leave Provisions. For extended absences, payment may be approved at the discretion of the Department Director prior to submission of this form. The Sick Leave form must be completed upon return of the employee to work. Failure to complete the form shall result in the employee being determined to be on leave without pay and a deduction in the subsequent payroll period. Departments should attach the Sick Leave Form to the payroll voucher.

121.07 Taking Sick Leave While on Vacation

By submitting Form No. 2.34.7, Employee's Claim For Sick Leave During Vacation, an employee who becomes ill when on vacation may apply for payment of sick leave for the period of illness, provided a doctor's certificate is provided verifying the

illness. Approval shall be granted at the discretion of the Department Director.

121.08 Conversion of Sick Leave for Vacation Credit

Sick leave may be converted from sick leave to vacation credit with the approval of the Department Director in accordance with provisions of Policy and Procedure 120.05.

121.09 Conversion of Sick Leave Credit at Separation

Sick Leave may be converted from sick leave to compensation at separation with the approval of the Department Director in accordance with provisions of Policy and Procedure 133.05.

121.10 Sick Leave Transfer

- (a) There is hereby created a sick leave bank. Any employee of the City with more than four hundred (400) hours of accumulated sick leave may transfer up to eighty (80) hours of sick leave into the sick leave bank during their tenure with the City by signing Sick Leave Transfer Contribution Form (located on the intranet). Upon such transfer, the employee forfeits all rights or claims to use, convert or cash-in such sick leave, and the amount transferred shall be deducted from the employee's sick leave balance by the Finance Department. The balance of hours in the sick leave bank shall be maintained by the Personnel Division. The balance in the sick leave bank shall not be reduced below zero (0).
- (b) Any employee, who 1) is required to be off from work because of personal illness, injury, quarantine or sickness or disability of a child or a spouse, as set forth in Section 121.04 (a), (b), (c) or (d) of these policies and procedures, except that sickness and disabilities covered by 121.04 (d) are intended to include only the husband, wife or child of the employee for purposes of this policy, and 2) is presently without any sick leave may request a transfer of sick leave from the sick leave bank, on the Sick Leave Transfer Request Form (located on the intranet). The request shall be reviewed by the Personnel Division.

The request shall be granted if all of the following criteria are established:

1. the employee is suffering from a serious medical condition as that term is defined for purposes of the FMLA;
2. the employee has no sick leave balance;
3. the employee's lack of sick leave is due to either;
 - (a) tenure of less than one year with the City, or
 - (b) a continuous illness or injury to one's person or their spouse or child which caused the employee to use at least fifty percent (50%) of the sick leave they have accumulated in their last five (5) years with the City
4. the employee has exhausted all other available paid leave balances (e.g. vacation, etc); and
5. there is a balance of sick leave in the bank to be transferred

Prior to notifying the employee whether the request has been granted or denied, the Personnel Division shall notify the appropriate department director that the request has been filed. If the request is granted, the employee may have transferred to them up to eighty (80) hours of sick leave in accordance with the request. No employee shall have transferred to them more than one hundred and twenty (120) hours of sick leave under this policy. Upon return to work, the employee receiving the transfer of sick leave shall refund the sick leave transferred to them upon accumulating eight (80) hours of sick leave.

CHAPTER 125 - FAMILY AND MEDICAL LEAVE

125.01 Purpose

The purpose of this policy is to implement the Family and Medical Leave Act of 1993 (FMLA) and amendments thereto. Nothing in this section is intended to expand or provide rights in addition to those covered in the FMLA. All terms used in describing this policy have the meaning assigned to them by the FMLA and the federal regulation implementing the act.

125.02 Eligibility

The Family and Medical Leave Act (FMLA) covers employees who have worked for the City for at least twelve (12) months and have accumulated 1,250 hours worked during the year preceding the leave request. In certain instances prior non-consecutive service may be required to be considered in determining eligibility.

125.03 Entitlement

An eligible employee is entitled to twelve (12) workweeks of unpaid leave (continuous or intermittent) in a 12-month period for maternity; paternity; adoption or foster care placement; care for a sick spouse, child or parent with a serious health condition; qualifying military exigency as set forth in the National Defense Authorization Act (NDAA); and a personal serious health condition. If an employee experiences more than one of these events in a 12-month period, only a total of 12 weeks of leave is available. An eligible employee is entitled to twenty-six (26) workweeks of unpaid leave (continuous or intermittent) in a 12-month period for care of a covered service member with a serious illness or injury incurred in the line of duty as set forth in the NDAA. The City will cover its share of the employee's health insurance premium during the unpaid leave, and will return the employee to their previous job or an equivalent position. An employee on unpaid FMLA leave must pay for their share of health insurance premiums when those premiums come due.

125.04 Responsibilities

The City requires that employees provide written medical and/or military certification as applicable to support their

request for FMLA leave. The City may also require periodic status reports from an employee on FMLA leave to determine the employee's status and plans for returning to work. The City's personnel staff may contact the employee's health care provider to clarify or confirm information in an FMLA medical certification. The City may request an opinion from a second or third health care provider to validate an employee's medical certification. The City can also require periodic recertification of an employee's military eligibility or medical condition. If the employee fails to provide the required medical or military eligibility certification, the leave does not qualify as FMLA leave; therefore the employee is not entitled to continued medical coverage and the right to reinstatement at the end of the leave. The City retains the right to require an employee to request family, military related, or medical leave under this policy. However, it is the City's responsibility to designate the start of FMLA leave, and such designation may be made without a request from the employee where permitted by the act. At such time, the Personnel Division will provide the employee with a Department of Labor form letter, DOL WH-381 that details the FMLA leave rules.

125.05 Leave Computation

The 12-month period in which an employee is entitled to twelve (12) workweeks of unpaid leave in the case of family, medical or military exigency, or twenty-six (26) workweeks in the case of a military caregiver will be computed by measuring backwards from the first day of FMLA leave. The City may designate a period of absence as FMLA leave when an employee is receiving injury leave or workers' compensation, and count the leave as running concurrently for purposes of both the benefit plan and FMLA entitlement.

125.06 Family Leave

A. Definition of Family Leave

Family leave is leave for maternity, paternity, adoption or foster care purposes.

B. Notification of Family Leave

It is the duty of the employee to notify his/her Department Director as soon as the pregnancy or placement has been

confirmed. This notice should be at least 30 days prior to either the due date or the placement, except that if 30 days notice is impossible, notice shall be given as soon as possible. The City will not waive this notice requirement.

C. Family Leave Time Available to Employee

An employee on family leave must first exhaust all paid leave, including, sick leave time, and, thereafter, all vacation time, vacation bank, holiday bank, compensatory time, personal day and birthday holiday. If the combined sick leave and vacation time and other paid leaves do not equal 12 workweeks, the employee may use the balance as unpaid FMLA leave. The following limitations apply to family leave:

- 1) An employee's eligibility for family leave expires one year after the child's birth or placement.
- 2) When both spouses are employed by the City, their 12 workweeks will be combined for family leave purposes.

D. Point in Time Family Leave Can Be Utilized

- 1) Leave will be granted to an employee in hourly periods for prenatal care during the pregnancy or for placement arrangements for adoption and foster care.
- 2) Maternity leave will be granted to a female employee upon the certification of the employee's physician that she is no longer capable of adequately performing her job related duties due to pregnancy.
- 3) Paternity leave will be granted to a male employee upon the birth of his child and for the subsequent care of the child.
- 4) Adoption or foster care leave will be granted upon placement of a child into the employee's home.

125.07 Medical Leave

A. Definition of Medical Leave

Medical Leave is leave for care of a sick spouse, child or parent with a serious health condition, and for a personal serious health condition. Some examples of a serious health condition include: heart attacks or other serious heart

conditions, most cancers, strokes, appendicitis, pneumonia, ongoing pregnancy, and prenatal care.

B. Notification of Medical Leave

It is the City's responsibility to designate the start of FMLA leave and whether it is paid or unpaid after obtaining information from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc.) if the employee is incapacitated.

C. Medical Leave Time Available to Employee

An employee on medical leave must first exhaust all paid leave, including, sick leave time, and, thereafter, all vacation time, vacation bank, holiday bank, compensatory time, personal day and birthday holiday. If the combined sick leave and vacation time and other paid leaves do not equal 12 workweeks, the employee may use the balance as unpaid FMLA leave.

125.08 Military Family Leave

A. Definition of Military Family Leave

1) Military Caregiver Leave is leave to care for a covered service member with a serious illness or injury incurred in the line of duty while on active duty. Military caregiver leave shall only be taken once per injury.

2) Military Exigency Leave is leave for eligible employees to manage family affairs while a member of the National Guard or Reserves is called to active duty status in support of a qualifying exigency. An employee whose family member is on active duty or called to active duty for the Regular Armed Forces does not qualify for the exigency leave. Examples of qualifying exigencies include (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed within the other categories but agreed to by the employer and employee.

B. Notification of Military Family Leave

It is the duty of the employee to notify his/her Department Director as soon as the military exigency or serious illness or injury of the service member has been confirmed. This notice should be at least 30 days prior to the leave date, except that if 30 days notice is impossible, notice shall be given as soon as possible. The City will not waive this notice requirement. It is the City's responsibility to designate the start of FMLA leave and whether it is paid or unpaid after obtaining information from the employee.

C. Military Family Leave Time Available to Employee

An employee on covered military exigency or caregiver leave must first exhaust all paid leave, including, sick leave time, and, thereafter, all vacation time, vacation bank, holiday bank, compensatory time, personal day and birthday holiday. If the combined sick leave and vacation time and other paid leaves do not equal 12 workweeks in the case of military exigency leave or 26 workweeks in the case of military caregiver leave, the employee may use the balance as unpaid FMLA leave.

125.09 Reservation of Paid Leave Time

Upon an employee's request for FMLA leave under this policy or no later than ten (10) days after the City's placement of an employee on FMLA leave, an employee may, by notifying his or her Department Director, elect to retain a block five (5) or ten (10) days of paid leave for use after the employee's return from FMLA leave. Such retained paid leave may be used intermittently upon the employee's return from FMLA leave consistent with City policy.

CHAPTER 127 - LEAVES WITH PAY

127.01 Reasons for Leave

Leaves of absence with pay may be granted for any legitimate reason, provided such absence has been approved in advance by the proper authority. A legitimate reason includes, but is not limited to, the following:

Military pre-induction examinations;

Service on a jury;

Acting as a witness in a court case, under subpoena, where the employee is not a party;

Attendance at meetings, conventions, conferences, or short courses of instruction which benefit the City, as determined by the City; and

Closure of City workplaces by the City Manager due to a weather emergency.

127.02 Procedure for Approval

An employee desiring to apply for a leave of absence should submit a written request to their immediate supervisor, outlining briefly the necessity for such a leave. Approval of leaves of absence from 1 to 5 days will be determined by the Division Manager. Department Director approval is required on leaves of absence over five (5) days, up to one (1) month. City Manager approval is required for leaves over one (1) month.

127.03 Conditions

In all cases, approval of a leave will be given in writing with a copy directed to the Personnel Division. When pay is granted by another agency, such as in a court proceeding, the statement from the agency must be submitted with the next payroll following return to work. The employee may: 1) submit the fee to the Finance Department or 2) have the fee subtracted as an adjustment to his/her next paycheck. The length and other conditions of each leave granted will be determined by the facts and circumstances of the case.

CHAPTER 128 - LEAVES WITHOUT PAY

128.01 Reasons for Leave

Leaves of absence without pay for a legitimate reason not covered by the FMLA policy may be granted as follows:

To further an employee's education. (Ordinarily such a leave will be granted only if the leave will directly benefit the City as well as the individual, and provided the employee agrees to return to City employment for a specified period of time after such leave.)

To attend funerals not covered by funeral leave and/or sick leave.

To care for a member of the immediate family during an extended illness after paid leave and FMLA unpaid leave are exhausted.

Personal illness after paid leave and FMLA unpaid leave are exhausted.

Injury not covered by injury leave.

128.02 Procedure for Approval

Requests for Leave Without Pay must be submitted to the Division Manager in a letter outlining the reason for the request. This letter will then be forwarded to the Department Director for approval and the Personnel Division for coordination.

128.03 Automatic Leave

An employee who ceases to receive a payroll check is considered to be automatically on a leave of absence, even though still being carried on the payroll.

128.04 Conditions

The length and other conditions of each leave granted will be determined by the facts and circumstances of the case. All fringe benefits cease while an employee is on a leave without pay after such leave exceeds two weeks. The employee may continue his/her health insurance coverage at his/her sole expense. In the case of illness, injury, or extreme hardship as determined by the City Manager, however, insurance benefits will be continued provided the employee continues to pay

his/her share of the cost, subject to COBRA and the health insurance carrier's restrictions. Longevity pay shall be paid to an employee on a leave of absence without pay during the year on a prorated basis. The period of the leave of absence without pay will be excluded from the longevity payment.

CHAPTER 126 - MILITARY LEAVE

126.01 Eligibility

Permanent full-time employees who are members of any military reserve component are entitled to leave of absence for such time as they are in the military service on field training or active duty for periods not to exceed thirty-one days per calendar year. Such a leave will be granted by the Department Director only after seeing orders from proper military authorities, which shall be presented not less than 30 days prior to the beginning of such training or active duty period, except in the case of emergency.

126.02 Pay

Military training leaves shall be without pay. However, if the employee's military pay is less than the regular City pay, the employee may file a certificate to that effect upon returning and forward it to the Personnel Division, whereupon the employee will be entitled to the difference, up to a maximum of 22 days per calendar year.

126.03 Effect of Leave

Military training leaves do not affect the employee's sick leave or vacation balances, nor are they considered to be a break in continuous employment with the City.