

FAMILY MEDICAL LEAVE ACT/MATERNITY

Definition

The Family and Medical Leave Act (FMLA), a federal law, occurs when an employee takes a disability leave due to pregnancy, childbirth or a related medical condition. FMLA provides (1) for medical insurance continuation during the leave as it was prior to the leave, and (2) gives an employee the right to return to the same or similar position. Civil Service Rule 19.B also provides a parental leave of absence for up to 24 months (see below). Neither of these leaves are paid leaves.

Application

If the employee qualifies for FMLA, eligibility is based on information from the medical treatment provider certifying that an employee is unable to continue working due to pregnancy, childbirth or related medical condition. An employee may be covered by FMLA for up to 12 weeks, depending on the employee's FMLA usage during the previous 12 month period. Parental Leave, if desired, is applied for by completing a Leave of Absence Form obtained from Payroll personnel.

FMLA paperwork will be forwarded to employee's home. Medical Certification Statement must be completed by employee's physician. The first day the employee is disabled by her doctor due to maternity is the beginning of FMLA.

Paid Leave

Paid leaves such as sick leave, vacation, comp time, as well as any unpaid leave, i.e., "No Pay" run concurrently with FMLA.

Employee's Checklist

- Notify department of the need for a maternity leave
- Notify the Benefits Dept. in Human Resources (651-266-6500) of the need for a maternity leave; provide estimated due date
- H.R. Benefits will provide the employee with Family and Medical Leave Forms
- The forms should be completed by the employee's medical provider and returned to H.R. Benefits
- The employee should contact H.R. Benefits to discuss Short Term Disability, if applicable
- Contact H.R. Benefits to add the newborn to the employee's health plans, if desired, within 30 days after the birth of the baby

Family and Medical Leave Act (FMLA) Policy

The City of Saint Paul's FMLA policy is attached. This Policy is for all qualifying events, e.g., injuries, surgeries, mental health, etc.. The item specifically applicable to maternity leaves is:

#4. In a "normal" pregnancy, the first day off work due to birth begins the disability portion of the 12-week entitlement period. During this period, sick leave is required to be used. The second 6-week period is for bonding with the newborn. This is no longer a disability period, thus sick leave cannot be used. Available vacation or comp time is used before going to a "No-Pay" status.

In a situation where an employee is disabled prior to delivery (due to doctor's order for bed rest, e.g.), FMLA begins on the first day of disability. Sick leave is used until 6 weeks following birth. Record "FMLA" on your timesheet, whether it is paid or unpaid leave.

Short Term Disability

If an employee carries optional Short Term Disability, the employee should apply for the benefit by calling The Standard Insurance Company at (800) 378-2395. There is a one-week waiting period before the benefit begins. Sick leave should be used during this week. Thereafter, sick leave will be used to pay the employee the difference between their Short Term Disability benefit and their normal compensation. Note: In some instances, the late enrollment provision applies. Contact Standard Insurance to confirm. Jane Wateland in H.R. Benefits will calculate the amount of benefit (in hours) which the employee carries and will email this information to the appropriate Payroll personnel and copy the employee. Any short term disability is reflected as "No-Pay" time in the City's payroll system. The short term disability carrier sends payment directly to the employee.

Civil Service Rule 19.B, 2d.

Parental leave upon the request of the employee. A twelve (12) month Parental leave of absence without pay shall be granted to a natural parent or an adoptive parent, who requests such leave in conjunction with the birth or adoption of a child. Such leave may be extended an additional twelve (12) months by mutual agreement between the employee and the employer.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

200 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102-1631

Telephone 651-266-6500
Jobline 651-266-6502
Facsimile 651-266-6490
www.stpaul.gov

CITY OF SAINT PAUL FAMILY AND MEDICAL LEAVE ACT POLICY

1. STATEMENT OF POLICY:

In accordance with the Federal Department of Labor's Family and Medical Leave Act (FMLA), the City of Saint Paul will grant job protected unpaid family and medical leave to eligible City employees for up to twelve (12) weeks per twelve (12) month period for any of the following four reasons:

- Birth, adoption or foster placement of a child;
- To care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition; or
- For the employee's own serious health condition which makes the employee unable to perform the functions of the employee's job.
- A qualifying exigency arising out of the fact that a family member is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

The City of Saint Paul will grant job protected unpaid family and medical leave to eligible City employees for up to twenty-six (26) weeks per twelve (12) month period for the following reason:

- You are a family member of a covered servicemember with a serious injury or illness.

2. COVERAGE AND ELIGIBILITY:

To be eligible for family/medical leave, an employee must have worked for the City of Saint Paul for at least twelve (12) months, and must have worked at least 1250 hours over the previous twelve (12) month period.

3. INTERMITTENT OR REDUCED LEAVE:

If "medically necessary," due to the serious medical condition of the employee or that of the employee's spouse or child or parent, leave may be taken on an intermittent schedule. If leave is requested on this basis, however, the employee may be required to transfer temporarily to an alternative position with equivalent pay and benefits which better accommodates recurring periods of absence or a part-time schedule.

“Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a “pro-rata” basis. A weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the leave should be used for calculating the employee’s normal work week.

4. OTHER LEAVE MUST BE USED FIRST:

Employees will be required to first use their accrued paid vacation, compensatory time, and accrued sick leave (as appropriate), and then voluntary leave for which they are eligible before any unpaid portion of FMLA leave is granted for any reason. Exceptions can be made at the discretion of the Human Resources Director only for extenuating circumstances. The FMLA does not broaden the instances for which accrued paid sick leave can be used.

For example, FMLA leave to care for an employee’s ill child or spouse would be an instance where the employee’s accrued sick leave would first be used. However, use of sick leave to care for a spouse with a serious health condition is capped at 4 weeks. If paid sick leave can be used, then its use will be required prior to the unpaid FMLA leave.

When an employee has used accrued paid vacation time or accrued sick leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided does not exceed the maximum FMLA entitlement period.

Any other type of leave, whether paid or unpaid, taken for a reason covered by the FMLA will, when used in conjunction with family/medical leave, be considered part of the maximum FMLA entitlement period.

5. JOB PROTECTION:

If the employee returns to work following the approved family/medical leave period, the employee will be reinstated to the employee’s former position or an equivalent position with equivalent pay, benefits, status, and authority.

The employee’s restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee’s position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the employee fails to return within the maximum FMLA entitlement period following a family/medical leave, the employee will be reinstated to the employee’s same or similar position, only if available, in accordance with applicable laws. If the employee’s same or similar position is not available, the employee may be terminated.

6. CERTIFICATIONS:

For all FMLA leaves, the employee must complete the applicable certification form and return it to Human Resources. Certification must be provided by the employee within fifteen (15) days after requested, or as soon as is reasonably possible.

The City of Saint Paul may require a second medical opinion (at the City's expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.

All documentation related to the employee's or family member's condition will be held in strict confidence and maintained in the employee's medical records file.

7. BENEFITS COVERAGE:

An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Employee contributions will be required either through payroll deduction or by direct payment to the benefits administrator. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is more than 30 days late, the employee's coverage will lapse.

An employee is not entitled to seniority or benefit accrual (such as vacation and sick leave) during periods of unpaid leave, but will not lose anything accrued prior to leave.

8. DEFINITIONS:

"Twelve (12) Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

"Spouse" – does not include unmarried domestic partners. If both spouses work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks under certain conditions.

"Child" – means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step-child.

"Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:

- Inpatient care; or
- Any period of incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider; or
- Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
- Prenatal care by a health care provider.

“Continuing Treatment” – means:

- Two or more visits to a health care provider; or
- Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
- A single visit to a health care provider that results in a regimen of continuing supervision of, but not necessarily being actively treated by, a health care provider.

9. NOTICE REQUIREMENT:

An employee is required to give at least a thirty (30) day notice in the event of a foreseeable leave. A “Request for Family/Medical Leave” form should be completed by the employee and returned to the Office of Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable.

If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until thirty (30) days after the employee provides notice.

To apply, or to request further information, please contact the:

Office of Human Resources
200 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102
or call (651) 266-6500

Download the following forms:

[Family Medical Leave Forms – Employee \(PDF\)](#)

[Family Medical Leave Forms – Family Member \(PDF\)](#)

[Request For Family Medical Leave-Care for servicemember \(PDF\)](#)

[Request for Family Medical Leave - Qualifying Exigency \(PDF\)](#)

(FMLA Policy – March 12, 1996)

Updated: 07/10/09