

exhausted. Pregnancy-Related Medical Leave provides employees the same protections as Family Medical Leave. The City will continue to pay health plan benefits during Pregnancy-Related Medical Leave. Employees will continue to accrue sick and vacation leave on PRML hours. Employees will receive their current hourly rate of pay. If a holiday falls within an employees' leave, the employee will receive holiday pay. The holiday pay will count toward the 240 hours of PRML. There is no limit on the number of Pregnancy-Related Medical Leaves an employee may take during their employment with the City of Missoula.

Any requests for exceptions to the policy must be submitted in writing to the Director of Human Resources.

Employees must request the use Pregnancy-Related Medical Leave to their supervisor 30 days prior to the anticipated beginning of leave by submitting a Paid Parental Leave Request Form. In an unforeseeable or emergency situation, the employee must give notice as soon possible and practical.

If an employee fails to return to work at the end of their leave, the City may recover the value of the Pregnancy-Related Medical Leave.

### **305.00 Family and Medical Leave**

The Family and Medical Leave Act (FMLA) requires covered employers to provide up to twelve (12) weeks of either paid or unpaid, job-protected leave to eligible employees for certain family and medical reasons.

#### **305.10 Eligibility**

To be eligible for use of Family and Medical Leave, an employee must have been employed by the City of Missoula a cumulative total of 12 months prior to leave *and* have worked 1,250 hours (exclusive of vacation, sick leave and holidays) in the 12 months preceding the leave time. The 12 months of employment need not be consecutive months. The 1,250 hours includes only those hours actually worked. Paid leave and unpaid leave, including FMLA leave, are not included.

#### **305.20 Use of Family and Medical Leave**

Employees are entitled to Family and Medical Leave for one or more of the following reasons:

1. The birth of a child, and to care for that child;
2. Placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
4. A serious health condition that makes the employee unable to perform the functions of the employee's job.
5. An eligible employee with a family member who is on, or about to be placed on active military duty with a "qualifying exigency"; and
6. An eligible employee is entitled to 26 work weeks of unpaid leave to care for a family member injured while on active military duty.
7. Spouses employed by the same employer are limited to a combined total of 12

work weeks of family leave for the following reasons:

- a. Birth and care of a newborn child;
- b. For the placement of a child for adoption or foster care, and to care for the newly placed child; and
- c. To care for an employee's parent who has a serious health condition;
- d. To care for a family member injured while on active duty (entitled to a combined 26 work weeks).

### **305.30 Family and Medical Leave Procedure**

- A. Employees must request the use of Family and Medical Leave from their department/division head by completing a "The FMLA Employee Packet", which can be obtained from the Human Resources Department. Medical certification from a health care provider will be required to support a request for FMLA leave due to the employee's own serious health condition or that of a family member, except for leave requests for the birth of a child or placement of a child for adoption or foster care. Medical certification reflecting fitness for duty will be required when an employee returns to work from FMLA leave due to the employee's own serious health condition. Any communication with medical care providers regarding requests for medical certification or fitness for duty will be conducted by the Human Resources office.

FMLA leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced work schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to employer approval. FMLA taken for the birth or placement of a child must be within one year (12 months) of the birth or placement.

- B. Employees are required to provide at least a 30-day notification of intent to use Family or Medical leave when the leave is foreseeable. When the leave is not foreseeable, notice needs to be given "as soon as practicable." "As soon as practicable" generally means within two (2) business days of the employee learning of the need to take FMLA leave.
- C. Employees may use their sick, vacation or compensatory time for all or part of the 12-week period. Once an employee has exhausted his/her own sick, vacation or compensatory time, the employee may request donated leave, or the rest of the 12-week period may be unpaid.
- D. Employees may request Family and Medical Leave for up to twelve (12) weeks in a twelve (12) month period. The twelve (12) month period shall start on the date the employee begins coverage under the Family and Medical Leave Act, and will end 12 months after the beginning date of the leave.
- E. Employees using family and medical leave shall be reinstated to their original job or to an equivalent position with equivalent pay providing they return to work at the end of the leave period.
- F. During the 12 weeks of leave, the employee shall receive health insurance coverage according to the terms and conditions that are in effect during the time the employee is using leave.

G. The City's Pregnancy-related Medical Leave will run concurrently with Family and Medical Leave.

H. Family and Medical Leave may be designated to an employee who is absent more than three consecutive work days due to a work-related injury.

### **306.00 Leave With Out Pay**

A leave of absence without pay (LWOP) may be granted to employees for up to 90 calendar days. Requests for leave without pay for medically related reasons will first be considered under Section 305.00 of these policies.

Requests for leave of absence without pay shall be submitted in writing by the employee to the supervisor stating the reason for the leave and the length of time off requested. Approved leave requests shall be forwarded to the Human Resources Department. In the event an employee takes leave without prior approval and subsequently requests that leave be considered LWOP, it will be the supervisor's prerogative to approve LWOP or require use of accrued paid leave.

No employee benefits shall accrue during a leave without pay. The employee may retain City health insurance coverage provided that 100% of premiums are paid by the employee. Payment for continuation of City health insurance coverage during a leave without pay shall be administered by the Human Resources Department.

Upon return to duty, the employee shall be placed in the same position and rate of pay to which the employee was entitled prior to the leave unless otherwise agreed to by the employee, the department, and the Human Resources Department.

### **307.00 Military Leave**

The City of Missoula will comply with state law and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which provides job protection and rights of reinstatement to an employee who is a member of the organized militia of Montana, (National Guard) or who is a member of the organized or unorganized reserve corps or armed forces of the United States.

A City employee who has been an employee for a period of at least 6 months must be given leave of absence with pay accruing at a rate of 120 hours in a calendar year for performing military service. Upon becoming eligible during a calendar year, the employee receives 120 hours of paid leave. Military leave may not be charged against the employee's annual vacation time. Unused military leave must be carried over to the next calendar year but may not exceed a total of 240 hours in any calendar year.

City employees may choose to use vacation, compensatory time, accrued holiday leave or be placed on leave without pay status when ordered to active duty status. If an employee becomes ill while using paid leave, the employee may request to use sick leave. (See Section 305.00 for information related to the use of FML leave prior to deployment and for those injured while in an "active duty" status.)

If military leave is requested for an absence of more than 30 days, the employee will be required to provide documentation of valid military orders. Cumulative leave under these provisions will not exceed five years for an employee not including exclusions identified in USERRA.