



702 - PAID MEDICAL LEAVE (PML)

I. GENERAL

The City provides regular full-time employees with Paid Medical Leave (PML) that can be used for certain personal and family medical-related absences. Employees are considered to be in an active pay status while on approved PML. PML may not be used until it is accrued. There is no provision for PML to be transferred to another employee.

II. DEFINITIONS

- Family Medical Leave Act (FMLA)

The federal law that entitles eligible employees to take unpaid, job-protected leave of up to 12 workweeks (or up to 26 workweeks of military caregiver leave) within a 12-month period. FMLA covered medical conditions for which an employee shall use PML include the serious health condition of the employee which results in the employee's inability to work or prevents the employee from performing the essential functions of his/her position; the serious health condition of the employee's spouse, parent or child requiring the attendance of the employee, the birth, adoption/foster care placement of a child with the employee (subject to the limitations stated below), and the care of a Covered Service Member as set forth in Policy 703, Family Medical Leave Act.

- Immediate Family

As it relates to charging PML, immediate family refers to the employee's spouse, child and parent, including in-law, step and foster relationships, or any person for whom the employee has a primary care responsibility.

- Intermittent Leave

Leave that is taken periodically for a few hours a day or for a few days, from time-to-time, on an as-needed basis due to the same medical occurrence.

- Primary Care Giver

The person who has principal responsibility for providing or ensuring the provision of the majority of the basic needs of another person, such as a child or other relative who is incapacitated or incapable of self-care.

III. ACCRUAL

PML is accrued at the following rates:

<u>Employee Type</u>	<u>Bi-weekly Accrual</u>	<u>Annual Accrual</u>
Regular Full-Time	2.75	71.5
24-Hour Fire	7.5	195

PML is accrued each pay period that an employee is in an active pay status. An active pay status is defined as any period in which an employee is actively working or on paid leave such as PPL, PML or compensatory time.

When Fire Department employees transfer to or from a 24-hour schedule, their PML balance is converted to provide the same leave balance value in the new work schedule. Upon transfer from a 24-hour schedule to a 40-hour schedule, the PML balance is divided by 2.14. Upon transfer from a 40-hour schedule to a 24-hour schedule, the PML balance is multiplied by 2.14. For full policy see Section 609 - Attachment 1, Special Provisions for Fire Schedule Changes.

IV. SITUATIONS THAT QUALIFY FOR PML

PML may be charged for the purposes stated below and for any other serious health conditions covered by the Family Medical Leave Act (FMLA). (Reference Policy 703, Family Medical Leave Act).

PML for Personal Use

1. Non-occupational illness, injury or disability that prevents the employee from being able to perform the essential functions of his/her position, including any disabilities resulting from pregnancy and childbirth. Employees will not be able to charge PML in situations when the City can accommodate the employee in his/her regular position or another job assignment and the employee chooses to take leave. In these cases, the leave must be charged to any accrued paid personal leave (PPL) or compensatory leave, or the time will be unpaid if no accrued paid personal leave (PPL) or compensatory leave remains.
2. Medical, dental, or psychological examinations, therapy, surgery, or treatments required to maintain the sound mental or physical health of the employee.
3. When an employee has contracted or been exposed to a contagious disease that might affect the health of the employee or others.

4. Situations where, in the manager's opinion, the employee's condition jeopardizes the employee, work operations, or others. In these situations, the employee may be required to leave work and take appropriate leave.

PML for Family Purposes

PML may be used to provide medical-related care for members of the immediate family who are incapacitated or incapable of self-care, such as a sick child. The following medical situations are covered.

1. Situations that require the attendance of the employee or that require the employee to transport a covered family member to examinations, therapy, or treatments (such as dependent children or family members who are incapacitated or unable to transport themselves.) Also includes being in attendance for major surgery or other major medical situations, even when the employee is not providing immediate care.
2. To arrange for the care of a covered family member with a serious health condition (such as a private duty nurse or nursing home care.)
3. For the birth of a child of the employee, or the adoption/foster care placement of a child with the employee (subject to the limitations stated in V., below.)

When travel outside the local area is involved to care for or transport a covered family member for medical care, up to a maximum of one day of travel each way may be granted.

Leave to visit covered family members who are incapacitated are not covered by this policy unless the circumstances otherwise fall within the provisions stated above.

V. PML LIMITATIONS FOR CHILDBIRTH, ADOPTION AND FOSTER CARE

City policy limits the amount of PML that can be charged for the birth of a child of the employee, or the adoption/foster care placement of a child with the employee, as stated below. (For 24-hour Fire employees, one workweek equals three (3) duty days.) Note: The time limits listed below only apply to the amount of PML that may be charged for each instance and not the amount of time allowed for FMLA (Reference Section 703 - Family Medical Leave Act).

A. Birth of a Child

PML may be charged upon the birth or hospital release of the child, as follows:

1. Mother - 8 workweeks. Additional PML may be granted when medically required prior to the birth or after the eight (8) week period due to incapacity of the mother or medical condition of the child.

2. Father – 2 workweeks. Additional PML may be granted if the father's presence is medically required to care for the mother or child.

B. Adoption or Foster Care

PML may be charged in preparation for or upon placement, as follows.

1. Primary Care Giver
 - a. Children up to 24 months old - 6 workweeks
 - b. Children 25 months to 6 years old - 4 workweeks
 - c. Children over 6 years old - 1 workweek
2. Secondary Care Giver
 - a. Children 24 months of age or younger - 2 workweeks

VI. PML APPROVAL/USE

A. Approval/Use

Departments are responsible for establishing administrative procedures for requesting and approving PML. PML must be for a qualifying reason, be requested by the appropriate procedure, and be approved in advance when possible. Leave covered by the Family and Medical Leave Act (FMLA) that has been properly requested cannot be denied.

B. Charging PML and Other Leave

When PML is exhausted prior to the completion of an employee's leave, the employee must also exhaust all PPL and any compensatory time prior to being placed in an unpaid status.

PPL, compensatory time, or LWOP may be charged for any approved absences that qualify for PML should the employee not desire to charge PML. However, leave taken for any medical reason is subject to the requirements for medical or, return to duty certification, regardless of the type of leave being charged.

C. When the Employee is Able to Work

When leave is taken for personal medical reasons, PML may not be charged if the employee is medically able to perform work that is offered by the City, but declines. In these cases, leave must be charged to any PPL or compensatory time. If such leave is exhausted, the employee will be placed in an unpaid status.

D. Medical Certification/Return to Duty

A "Certification of Health Care Provider" form and a "Return to Duty" form are required for medical-related absences that exceed five consecutive work days (three consecutive duty days for 24-hour Fire employees), but may also be required for leave of any duration. (A Return to Duty form is only required for personal medical absences). Forms are available from the Department of Human Resources. Certifications that are not completed on City forms but provide the same information are also acceptable.

When certification of any employee's personal medical condition is required, a copy of the employee's job description and essential functions/physical demands may be furnished to the health care provider.

If a required Return to Duty form is not submitted in a timely manner, the employee's return to work may be delayed. If the Return to Duty certification indicates the employee is able to perform his/her essential functions, the employee may return to work. If there are work restrictions the department cannot accommodate or if there are questions regarding the certification, contact the Department of Human Resources.

VII. MAXIMUM ACCUMULATION - CREDIT UPON RETIREMENT

There is no limit on the accumulation of PML.

Employees who retire may receive additional credited service for accumulated PML, in accordance with Chapter 31 of the City Code. One month of service is credited for each 160 hours of PML (342 hours for Fire Department employees assigned to 24-hour shifts).

VIII. FORFEITURE UPON TERMINATION

Any accumulated PML is forfeited upon termination for any reason other than retirement.

If an employee is reemployed as a regular full-time employee after a break in service of six (6) months or less, the employee's PML balance is reinstated.

Supersedes/Amends: 702, 7/1/2015

Approved:


City Manager