

# CITY OF PROVIDENCE

## Department of Human Resources

### Understanding Leaves of Absence

A leave of absence (LOA) is defined as a paid or unpaid approved absence from work for a specified period of time for medical, parental, military or personal reasons. (See each LOA category below for a more complete definition of each type of leave of absence). The City of Providence is obligated to comply with all requirements of the Family and Medical Leave Act of 1993 (FMLA). (See FMLA Fact Sheet attached). The FMLA provides up to 13 weeks of unpaid leave for eligible employees to care for the employee's child after birth or placement for adoption or foster care, to care for the employee's spouse, son, daughter or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform his or her job. The provisions of the FMLA have been incorporated into the LOA policies below.

Medical evidence shall be required for each sick leave with or without pay covering an employee's absence of more than 3 consecutive working days. If an employee finds that he/she must be out of work for more than three days, he or she should contact the Human Resources Department to determine if a LOA may be necessary and what appropriate documentation will be needed in order to support his/her request.

LOAs will start on the date of request or date of need; therefore, not after the exhaustion of paid time-off (sick or vacation). While on LOA, an employee must contact the Human Resources department at least every 30 days. Failure to contact HR every 30 days may result in voluntary termination. Failure to return to work upon the expiration of LOA or refusing an offer of reinstatement for which the employee is qualified will also result in voluntary termination.

**Required Documentation:** All requests for a LOA must be made on a "Leave of Absence Request" form and submitted to the immediate supervisor. (This form can be obtained from Human Resources). An employee must provide 30 days' advance notice when the need for the leave or absence is foreseeable; for instance, if medical treatments or other events are planned or known in advance. If the leave of absence is not foreseeable, the employee must provide notice to his or her immediate supervisor as soon as practicable.

Physician certifications supporting the need for a LOA are required within 14 days of the date of request or as soon as practicable for all medical and some parental LOAs. For an extension of a medical leave of absence, re-certification is required. Re-certification may also be required in other circumstances. "Certification of Health Care Provider" forms can be obtained from the Human Resources department. Medical certification is also required if the leave of absence is for the purpose of caring for a family member.

**Approval:** Both the immediate supervisor and the Human Resources manager will review the request. The Human Resources Director will notify the employee in writing

as to whether the request was approved will provide notice if the leave is being designated as FMLA leave. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on LOA, except military reserve duty, are considered to have quit voluntarily. Some factors considered by the Director of Human Resources in conjunction with the department director or supervisor when making a decision whether to approve LOA's are as follows:

- ✦ Attendance and Tardiness Record
- ✦ Job Performance while on active status
- ✦ History of any former discipline
- ✦ History of any previous leaves of absence

**Job Benefits:** The City of Providence will pay its portion of the cost of the employee's benefits including health and dental benefits while an employee is on LOA. The employee must continue to pay his or her portion of the benefits which may be made by payroll deductions (when applicable) or by check which must be submitted to the Payroll Department each pay period unless other arrangements have been made. If the employee fails to pay his or her portion of the benefits for more than 30 days, the employee's coverage(s) will be terminated and he/she will be offered COBRA to continue benefits excluding life and disability insurance.

While on LOA, employees are required to use any accrued sick time until returning to work. Employees are entitled to discharge vacation time if they so chose but are not obligated to do so.

### **TYPES OF LEAVE**

**Medical Leave (FMLA):** On occasion, an employee finds it necessary to be out of work due to a personal illness or to care for a family member who has a serious health condition (as defined by the FMLA). For purposes of this policy, a family member is defined as an employee's spouse, children, step-children, parents and step-parents.

Medical leave is designed to give benefits in accordance with the FMLA. If you have questions concerning your eligibility, please contact the Human Resources department.

**Eligibility:** Employees who have at least 12 months of service and have worked at least 1,250 hours in the last consecutive 12 months are eligible.

**Job Protection and Returning to Work after a Medical LOA:** If an employee is on a leave of absence due to medical reasons, a physician's statement must be completed by the attending health care provider prior to the employee returning to work. Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms provided that medical documentation requirements have been met.

**Parental Leave (FMLA):** A parental LOA may be granted to employees (male or female) for the birth of an employee's child. A parental leave of absence may also be granted for placement of a child in the employee's care for adoption or foster care.

Upon making a request for a LOA, the employee may be required to provide documentation to support the birth or legal placement of a child. Parental leave also is designed to give benefits in accordance with the FMLA. If you have questions concerning your eligibility, please contact the Human Resources Department.

**Eligibility:** Employees who have at least 12 months of service and have worked at least 1,250 hours in the last consecutive 12 months.

**Job Protection and Returning to Work after a Parental LOA:** If an employee is on a leave of absence due to pregnancy, a physician's statement must be completed by the attending health care provider prior to returning to work. Eligible employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms, provided that medical documentation requirements have been met.

**Military Leave:** Appropriate military leaves of absence, benefits and reinstatements will be granted pursuant to state and federal law. (See also attached, the Ordinance dealing with Military Leave) Employees who are considering or who have been called to service in the uniformed services should contact Human Resources for further details and obligations regarding Military Leaves.

**Personal Leave:** The City of Providence may grant a personal leave of absence for unique or extraordinary reasons that may not apply to the other types of LOA provided that, as with all other types of LOA, the maximum amount of LOA time has not been used. Per Article XIV of the Collective Bargaining Agreement, Upon written application an employee with permanent status *may* be granted a leave without pay, not to exceed one year, for reason of personal illness, disability, or other purpose deemed proper and approved by the Director of Human Resources.

**Eligibility:** All permanent active employees.

**Job Protection and Returning to Work after a Personal LOA:** At the expiration of such leave, the employee shall be returned to the position from which he is on leave at the same step of the then current range for his class of position. Seniority shall be retained and shall accumulate during the leave of absence.

**Sick Leave Extension:** Employees who contract a serious illness, may be granted with the approval of the Director of Human Resources, the Finance Director and the Mayor, a leave with pay not to exceed ninety (90) days in addition to his/her accumulated sick leave as of the date such illness occurs. If approved, extensions are granted based on the number of days needed in excess of the discharge of an employee's paid sick time. If applicable, sick leave extensions are granted in up to 30-day increments. Once a 30-day increment has been exhausted, employees are required to apply in writing for an additional 30-day increment. Any requests for sick leave extension must be in writing utilizing the LOA form along with any pertinent information to support the request.

Approval of Sick Leave Extensions are not automatic and should be used only for a serious illness as determined by the Director of Human Resources in conjunction with the department director or supervisor. Some factors considered by the Director of Human Resources when making a decision whether to approve LOA's are as follows:

- ◆ Attendance and Tardiness Record
- ◆ Job Performance while on active status
- ◆ History of any former discipline
- ◆ History of any previous leaves of absence
- ◆ Recommendation of the Department Director or Supervisor

**Eligibility:** All permanent active employees with at least five (5) years of continuous service who contracts a serious illness.

**Job Protection and Returning to Work after a Personal LOA:** At the expiration of such leave, the employee shall be returned to the position from which he is on leave at the same step of the then current range for his class of position. Seniority shall be retained and shall accumulate during the leave of absence.

**Bereavement Leave:** Employees shall be allowed leave without loss of pay, when death occurs in an employee's immediate family (i.e. employee's legal spouse, employee's domestic partner of the same or opposite sex who has lived in the same household as the employee for at least six (6) months and when the employee and partner have made a commitment to continue to live as a family, mother, father, son, daughter, brother, sister, or other members of the immediate household) provided that in such cases the leave shall not exceed more than one (1) day beyond the date of burial; in the case of employees of the Jewish faith, said leave shall be for the actual period of mourning observed, but not to exceed seven (7) days from the day of burial.

All employees shall be granted one (1) day leave with pay to attend funeral services for grandparents, mother-in-law, father-in-law, aunts or uncles.

In the event there is a death in the employee's family, but not in the immediate household, as defined above, the employee shall be granted sufficient time to attend the funeral service without loss of pay.

**Eligibility:** All permanent active employees.

**Jury Leave:** An employee who is called for jury service in a court of law shall be excused from work for the days on which the employee serves and shall receive, for each such day of jury service on which the employee otherwise would have worked, the straight-time rate of pay for each hour of absence, less the amount received for jury duty. The employee will present proof of such service and the amount received therefore.

**Eligibility:** All permanent active employees.

**ATTACHMENTS:**                      **LOA FORM**  
    **FMLA FACT SHEET**

March 15, 2005