



PERSONNEL POLICY 93-4

SUBJECT: Family and Medical Leave; Maternity/Paternity Leave; Military Family Leave

PURPOSE: To provide uniform guidance for the implementation of the Family and Medical Leave Act of 1993 and the Tennessee Maternity Leave Act as it applies to City of Clarksville employees.

APPLICABILITY: All City of Clarksville regular employees, and certain part-time employees.

REFERENCES:

1. Maternity Leave, Clarksville City Code, § 1.5-604.
2. Family and Medical Leave, Clarksville City Code, § 1.5-605.
3. Leave of Absence, Clarksville City Code, § 1-1321, 1.5-607.
4. Tennessee Maternity/Paternity Leave Act, Tenn. Code Ann. § 4-21-408.
5. Family and Medical Leave Act of 1993. 29 U.S.C. § 2601, et. seq.
6. Clarksville Personnel Procedure 91-4, Sick Leave Transfer Program dated September 5, 1991.

A. **POLICY STATEMENT:** The City of Clarksville will comply with the provisions of the Family and Medical Leave Act (FMLA), the Tennessee Maternity Leave Act (TMLA), and such other applicable laws which pertain to granting leave benefits to employees.

B. DEFINITIONS:

1. Family and Medical Leave Act (FMLA) is the law passed by the U.S. Congress and signed into law by President Bill Clinton on February 5, 1993, and implemented upon adoption of this procedure by the Clarksville City Council, or August 5, 1993, whichever occurs first.
2. Tennessee Maternity Leave Act refers to the Tennessee law regarding maternity leave as codified in Tenn. Code Ann. § 4-21-408.
3. Eligible employee under the FMLA means an employee who has been employed

for at least 12 months by the City and who has worked at least 1250 hours during the previous 12 month period.

4. Employment benefits means all benefits provided or made available to employees by the City of Clarksville including group life insurance, health insurance, disability insurance, sick leave, annual leave, and retirement benefits.
5. Health care provider means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices.
6. Parent means the biological parent of an employee or one who stood in loco parentis (in place of a parent) to an employee when the employee was a son or daughter.
7. Serious health condition is an illness, injury or impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care practitioner.
8. Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under 18 years of age or one who is 18 years of age or older and incapable of self-care because of a mental or physical disability.
9. Intermittent Leave or reduced schedule leave is leave taken in a manner other than in a single block of several weeks.

C. GENERAL:

1. Eligible City of Clarksville employees shall be entitled, under the FMLA, to a total of 12 work weeks of leave during any 12-month period for one or more of the following:
 - i. In order to care for the spouse, or a son, daughter or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
 - ii. Because of serious health conditions that makes the employee unable to perform the functions of the position.
 - iii. For adoption, pregnancy, childbirth, and nursing an infant refer to Section C, Subsection 10, "Maternity/Paternity Leave" under this policy.
 - iv. For qualifying exigencies arising out of the fact that the spouse or a son, daughter, or parent of the employee is on or has been notified of an impending call or order to covered active duty, refer to Section C, Subsection 11, "Military Family Leave" under this policy.

2. If an employee experiences a serious illness and needs the entire 12 workweeks, the spouse is also entitled to take the full 12 weeks to care for him or her.
3. If the mother-in-law or father-in-law of an employee has a serious illness, the married couple can only take the 12 weeks between them.
4. Advance notice. Where leave is foreseeable, an employee must provide at least 30 days advance notice that he or she intends to take it. Advance notice is required because of:
 - i. planned medical treatment for a son, daughter, spouse, or parent with a serious condition; or
 - ii. planned medical treatment in the case of the employee's own serious health condition.
5. Intermittent leave may be taken by the employee when "medically necessary."
6. In any situation involving leave because of a serious health condition involving the employee or an applicable family member, the employee will provide medical certification issued by the healthcare provider of the medical condition and the need for the leave. The contents of the certification will contain as a minimum:
 - i. the date the condition began,
 - ii. the probable duration of the condition,
 - iii. the appropriate medical facts regarding the condition; and,
 - iv. a statement that the employee is needed to care for the ill family member or (in the case of his or her own illness) is unable to perform his or her job.
 - v. If intermittent leave is sought, the health care provider must state that this kind of leave is medically necessary and the amount of time that leave on that basis will be needed.
7. In the event of an absence under the provisions of this policy, the employee can use sick leave, annual leave, or leave of absence without pay. The City may require the use of accrued paid leave prior to using unpaid leave for FMLA. Employees who have a serious health condition as described above may, after use of all sick and annual leave, apply for additional leave through the Sick Leave Transfer Program under the provisions of Personnel Procedure 91-4.
8. Health, dental, and life insurance benefits will be continued at the level and under the conditions that coverage would have been provided if the employee had continued employment.