

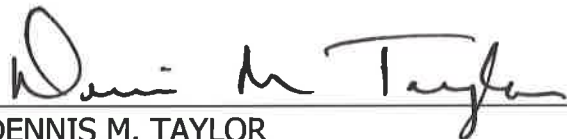
**ADMINISTRATIVE ORDER NO. 73**

Repealed By

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An Administrative Order creating the following Human Resources Policy for the City of Billings: Leaves of Absence dated November 2002.

Dated this 2<sup>nd</sup> day of December, 2002

  
DENNIS M. TAYLOR  
CITY ADMINISTRATOR

# **Leaves of Absence**

This policy supersedes all previous policies and/or handbooks published by the City of Billings. Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

## **Purpose**

This policy outlines the provisions of the leave of absence program for City employees.

## **Policy**

A leave of absence (unpaid) is an authorized absence from work for a specific period of time. It protects employment, accrued benefits, and length of service. However, during a leave of absence the employee does not accrue benefits. Accumulated vacation (vacation already earned) will not decrease during a leave of absence.

## **Procedure**

A request for a leave of absence must be submitted to the employee's department head for approval. The request must clearly state the reason and the length of time the employee will be absent. Except in an emergency, a request for a leave of absence must be submitted in writing 30 days prior to the requested starting date.

### **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) became effective August 5, 1993. Employees are eligible to use up to twelve (12) weeks of *unpaid*, job-protected leave in a twelve (12) month period if the leave is for the following reasons:

- The birth of a child;
- The adoption of a child or placement of a foster child;
- The care of a spouse, child, or parent with a serious health condition;
- The employee's recovery from a serious health condition.

The 12-month period is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. This means that any time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

For example, an employee requests FMLA to begin August 1, 2001, employee took (12) weeks of family leave beginning October 1, 2000. The leave would be denied because in the prior twelve (12) month period (August 1, 2000 to July 31, 2001), the employee used twelve (12) weeks of FMLA leave.

An employee must be employed by the City for at least 12 months and must have worked at least 1,250 hours during the preceding 12 months to be eligible for FMLA. An employee wishing to take FMLA leave must give the City at least 30 days advance notice when the leave time is foreseeable. When it is not possible to provide such advance notice, the employee must provide notice as soon as "practicable," ordinarily within one or two business days after the employee learns of the need for the leave.

The City may require medical certification to support a request for leave because of a serious health condition. The City may request a second or third medical opinion, at the City's expense. The City may request periodic medical updates from the employee at any time. An employee is not required to obtain medical certification for the first 6 calendar weeks of leave following childbirth.

All sick time must be exhausted prior to an employee taking the balance of FMLA leave as an unpaid leave. An employee may then choose to use accrued vacation or compensatory time (if applicable). Any paid or unpaid leave will count against the employee's 12-week entitlement.

During FMLA leave, the City will continue an employee's health coverage. It is the employee's responsibility to contact the Human Resources Office to make arrangements for self-payment of any insurance premiums. If the employee fails to make a required payment within 30 days of the due date, benefits may be discontinued. If the employee fails to return to work after taking FMLA leave, the employee may be liable for repayment of health insurance premiums paid by the City during FMLA leave.

### **Military Leave**

A regular employee, who leaves work to serve in the U.S. armed forces and who is under military orders, is entitled to be reinstated to his or her previous position with no loss of seniority, provided the employee:

- Satisfactorily completes service
- Is still qualified to perform the duties of the position
- Applies for re-employment within 40 days after completing service

If an employee is under military orders properly issued by military authorities and has worked for the City for six (6) consecutive months and are members of the state-organized militia or armed forces reserve, the employee will be granted a leave of absence with pay for attendance at regular encampments, training cruises and similar

training programs. This leave cannot exceed fifteen (15) working days per calendar year. This absence is not charged against the employees other leave credits. Paid military leave is not intended for weekend duty or regularly recurring drills. Employees who have worked for the City less than six (6) months will be granted a leave without pay for attendance.

### **Funeral Leave**

In the event of a death in the family, City employee's will be granted time off with pay up to a maximum of five (5) days per occurrence. Days off will be charged to sick leave, but will not be considered when determining the sick leave incentive. If the employee has not completed his/her 90-day waiting period, the deductions from sick leave will be made as he/she earns sick leave. The definition of family for this section includes: spouse, parents, step-parents, brother, stepbrother, sister, stepsister, children, stepchildren, household dependents, grandparents, grandchildren and all the same relatives of the employee's spouse in like degree.

### **Family Sick Leave**

The time granted for family sick leave is five (5) days each calendar year. This time must be used for an accident or illness of an immediate household family member or parents or parents-in-law of the employee, and must be reported to the supervisor prior to the sick leave use. The five (5) days can be taken in a block or individual days.

### **Jury Duty and Subpoena**

It is the civic duty of each City employee to serve on a jury if the employee is properly summoned. Employees called for jury duty must promptly notify their supervisor so plans can be made to cover the employee's work assignments. Employees may take leave with pay and give the jury fees earned (excluding expenses) to the City or take vacation leave and keep the jury duty fee.

### **Workers' Compensation**

Employees, who are injured or have an illness as a result of their employment, are covered by the Workers' Compensation Act and are entitled to workers' compensation benefits. The Montana Municipal Insurance Authority (MMIA) administers workers' compensation benefits for the City. Employees may elect to use sick leave credits or Workers' Compensation payments. State law defines Workers' Compensation benefits and all employees are entitled to the same benefits and appeal processes. The Human Resources Office must be notified immediately of work-related incidents and lost time cases.

Last Updated: November 2002

Next Scheduled Review: November 2003