



## **1. STATEMENT OF POLICY:**

In accordance with the Federal Department of Labor's Family and Medical Leave Act (FMLA), the Municipal Building Commission will grant job protected unpaid family and medical leave to eligible employees for up to twelve (12) weeks per continuous twelve (12) month period for any of the following four reasons:

- Birth, adoption or foster care placement of a child;
- To care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition; or
- For the employee's own serious health condition which makes the employee unable to perform the functions of the employee's job.
- A qualifying exigency arising out of the fact that a family member is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

## **2. COVERAGE AND ELIGIBILITY:**

To be eligible for family/medical leave, an employee must have worked for the MBC (12) months and must have worked at least 1250 hours over the previous twelve (12) month period.

## **3. MBC PAID PARENTAL LEAVE POLICY:**

Eligible employees may take up to 120 hours (three weeks) of paid parental leave within 12 weeks following the birth or adoption of a child. An eligible employee is defined as a biological parent, an adoptive parent, or the spouse of a biological or adoptive parent. Registered domestic partners are considered spouses. An employee must be eligible to accrue sick leave and have no disciplinary action in the previous two years for the misuse of sick leave. Paid parental leave must be used in a solid block of time and run concurrently with any other leaves available under existing federal and state laws. Paid parental leave must be requested and used within 12 weeks of the qualifying event or the opportunity to request and/or use of the leave is forfeited.

## **4. NOTICE REQUIREMENT:**

An employee is required to give at least a thirty (30) day notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Human Resources Business Partner. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable.



If an employee fails to give thirty (30) days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until thirty (30) days after the employee provides notice.

## **5. CERTIFICATIONS:**

For all FMLA leaves, the employee must complete the applicable certification form provided by the MBC and available on the intranet and return it to the Human Resources Business Partner. Certification must be provided by the employee within fifteen (15) days after requested, or as soon as is reasonably possible.

All documentation related to the employee's or family member's condition will be held in strict confidence and maintained in the employee's medical records file.

## **6. JOB PROTECTION:**

If the employee returns to work following the approved family/medical leave period, the employee will be reinstated to the employee's former position or an equivalent position with equivalent pay, benefits, status, and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the employee fails to return within the maximum FMLA entitlement period following a family/medical leave, the employee will be reinstated to the employee's same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

## **7. CONFIDENTIALITY AND JOB PROTECTION**

- Your supervisor doesn't need to know any of your family member's medical facts
- You can receive confidential help throughout the process from the Human Resources Business Partner
- You cannot be penalized for requesting or receiving a medical leave of absence under the FMLA.



## **8. INTERMITTENT OR REDUCED LEAVE:**

If “medically necessary,” due to the serious medical condition of the employee or that of the employee’s spouse or child or parent, leave may be taken on an intermittent schedule. If leave is requested on this basis, however, the employee may be required to transfer temporarily to an alternative position with equivalent pay and benefits which better accommodates recurring periods of absence or a part-time schedule.

“Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

## **9. PAY DURING FMLA LEAVE:**

The FMLA law does not provide employees with pay during leave. Employees using FMLA for the birth, adoption or placement in foster care of a child will receive paid parental leave in accordance with the Paid Parental Leave Policy. Employees are required to use any accrued sick, compensatory and/or vacation time prior to taking unpaid leave. However, employees may keep up to 40 hours each of accrued sick and vacation time in reserve so as not to completely exhaust paid time off.

An employee may request unpaid leave provided it does not exceed the maximum FMLA entitlement period.

It is the employee’s responsibility to communicate with his or her supervisor and payroll how they would like to use paid time available to them while on FMLA leave.

All types of leave, whether paid or unpaid, taken for a reason covered by the FMLA will run concurrent with FMLA leave.

## **10. BENEFITS COVERAGE:**

An employee granted a leave under this policy will continue to be covered under the MBC’s group health insurance plan, life insurance plan and long-term disability plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period.

Employee contributions will continue to be deducted from their paycheck as long as they are receiving pay through sick, vacation, compensatory time and/or paid parental leave. Should an employee exhaust all paid time off, the employee will be billed by payroll. Employee



contribution amounts are subject to any change in rates that occurs while the employee is on leave. If an employee's contribution is not paid by the due date on the bill the employee's coverage will lapse.

An employee is not entitled to seniority or benefit accrual (such as vacation and sick leave) during periods of unpaid leave, but will not lose anything accrued prior to leave.

To apply, or to request further information, please contact:

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