


Policy Title:	Family Medical Leave Act (FMLA)		
	OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER	Category	Family Medical Leave Act
		Administrative Policy #	
		Revision #	
		Review Frequency	As Needed – no less frequently than triennially
Administrative Division	Human Resources	Reviewed By	Chief Administrative Officer, General Counsel, Human Resources Director
BOWC Approval		Last Reviewed/Update Date	
Implementation Date		Resolution #	

1. OBJECTIVE

- 1.1. To establish the guidelines and controls for the Detroit Water and Sewerage Department (DWSD) employees when participating in the Family Medical Leave Act (FMLA).

2. PURPOSE

- 2.1. The purpose of this policy is to ensure DWSD's compliance with the Family Medical Leave Act and to promote awareness of employees' rights in the workplace.

3. DEFINITIONS

“Family Medical Leave Act (FMLA)” is a federal law that allows eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employees had not taken leave. The Act also allows employees to take FMLA leave for any “qualifying exigency” arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent or next of kin.

4. SCOPE

- 4.1. This policy applies to all full-time DWSD employees that have worked at DWSD for at least 1,250 hours over the previous twelve (12) months and have been employed with DWSD for at minimum one year by the leave start date.

5. RESPONSIBILITIES

5.1. Human Resources

- 5.1.1. The Human Resource Director publishes this policy; communicates this policy to all employees; reviews, approves and publishes divisional standard operating procedures; and updates this policy as necessary.
- 5.1.2. The Human Resources Director, or delegate, interprets and enforces this policy and ensures that leave complies with State and City regulations and DWSD policies and standards.

5.2. Employees

- 5.2.1. Employees should be familiar with, understand and fully comply with this policy.
- 5.2.2. Employees must notify their manager of the need for Family Medical Leave as soon as the necessity for the leave is determined.
- 5.2.3. Employees must provide the necessary documentation as proof of leave in accordance with this policy.
- 5.2.4. If foreseeable, employees are expected to work with their manager to ensure that work and coworkers are not adversely impacted during the anticipated period of leave.
- 5.2.5. Employees are responsible for any costs associated with acquiring DWSD-required FMLA documentation and making sure the certification is provided to DWSD. Failure to provide medical certification may result in FMLA leave denial.

6. POLICY

6.1. Compliance

- 6.1.1. DWSD policy aligns to FMLA regulations. DWSD recognizes that circumstances may arise in which employees find it necessary to be absent from work intermittently or for a continuous period of time.
- 6.1.2. In compliance with FMLA requirements, DWSD provides eligible employees up to twelve (12) weeks of job-protected leave for the following reasons: incapacity due to pregnancy, prenatal medical care or childbirth, to care for the employee's child after birth, or placement of a child with an employee for adoption or foster care; to care for the employee's spouse, child or parent, who has a serious health condition; or a serious health condition that makes the employee unable to perform his or her job.
- 6.1.3. In compliance with FMLA requirements, DWSD also permits up to twenty-six (26) weeks of leave to care for a covered service member with serious injury or illness during a single 12-month period if the eligible employee is the member's spouse, child, parent or next of kin.
- 6.1.4. All Family Medical Leave will run concurrently with all other paid and/or unpaid medical leave act.

6.2. Medical Certification

- 6.2.1. Employees must provide medical certification within 15 calendar days after FMLA has been requested.
- 6.2.2. If certification is incomplete or insufficient, employees will be given seven (7) calendar days to correct any deficiencies.
- 6.2.3. DWSD may request, as needed, re-certification every 30 days during the Family Medical Leave.

6.3. Eligibility for Family Medical Leave

- 6.3.1. Employees are eligible for Family Medical Leave if they have been employed with DWSD for at least one (1) year and have worked 1,250 hours over the previous twelve (12) months and have not exhausted their twelve (12) week entitlement within the fiscal year.
- 6.3.2. Medical documentation must be provided by the employee for all medical conditions under which leave is requested.
- 6.3.3. DWSD may require a second opinion by an independent health care provider of its choice at DWSD's expense. If a third opinion is required, also at DWSD's expense, it shall be final and binding, and shall be made by a health care provider approved jointly by DWSD and the employee. The second opinion from an independent health care provider excludes medical clinics currently under contract with DWSD.
- 6.3.4. Birth or Adoption of a Child
 - 6.3.4.1. Family Medical Leave to care for an employee's newborn child or to care for a child placed with the employee due to adoption or foster care may be taken by the parent or both. If both parents work for DWSD, the aggregate total for child care leave may not exceed 12 weeks. Each parent will be eligible for additional FMLA in another category, if they have not exhausted their twelve (12) week entitlement.

6.4. Approval of Family Medical Leave

- 6.4.1. The total length of a Family Medical Leave request shall not exceed twelve (12) work weeks in the DWSD fiscal year.
- 6.4.2. For all unpaid Family Medical Leave absences, employees must first use paid time off available before going on unpaid leave.
- 6.4.3. DWSD shall only request medical certification once every 30 days and only if Family Medical Leave time was used within that 30-day period.
- 6.4.4. Misrepresentation as to the purpose of the Family Medical Leave absence shall be grounds for cancellation of the Family Medical Leave and may result in termination from DWSD.

6.5. Worker's Compensation, Long-Term Disability (LTD), Sickness and Accident (S&A)

- 6.5.1. If an employee is on a worker's compensation leave of absence, LTD, or S&A that qualifies as a serious health condition under law, Family Medical Leave will run concurrently with their short-term and long-term disability and will count against the employee's FMLA allotment.

6.6. Intermittent Family Medical Leave Usage

- 6.6.1. Employees must provide medical documentation providing an estimate of the required time off needed and the span of the when the time off should occur.
- 6.6.2. Family Medical Leave and attendance requirements will be communicated to leadership to address work arrangements.

- 6.6.3. Human Resources will review actual attendance records and compare to medical documentation provided.

6.7. Continuation of Health Care

- 6.7.1. During and up to 12 weeks of absence for Family Medical Leave purposes, health care benefits coverage will continue as if the employee was actively at work during this time.
- 6.7.2. While off work on paid time, the health care premium sharing amounts shall be deducted from the employee's paycheck. An employee may elect to have health care benefits continued while on *unpaid* Family Medical Leave. The employee will be required to make payments directly to the City of Detroit Benefits Department for health care premium costs.

6.8. Returning to Work from a Family Medical Leave

- 6.8.1. Refer to the DWSD Return to Work policy for additional information.
- 6.8.2. The employee is expected to return to work upon expiration of the leave. At the conclusion of an approved Family Medical Leave, DWSD will return the employee to his or her original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

6.9. Reasonable and Necessary Accommodations

- 6.9.1. Management may take reasonable and necessary actions to accomplish the intent of this policy.