



time prior to the use of unpaid leave. Employees may use vacation and/or compensatory time for any FMLA purpose. In addition, sick leave may be used for the employees serious illness or that of an immediate family member. Leave will not exceed twelve weeks in a twelve (12) month period, starting from the effective date of the last FMLA leave. Employees may request FML on an intermittent or reduced schedule basis when medically necessary, for a serious illness affecting them or their family members.

### SECTION THREE: PROCEDURE

Employees desiring leave for the purposes described under the Family Medical Leave Act must complete a City of Lewiston Form PM-12 indicating the dates and reasons for the request. The PM-12 shall be submitted to the supervisor and forwarded through the department manager to the Human Resources Office to determine, based on the reasons presented by the employee, if the leave qualifies under the FMLA. If qualified, the PM-12 will be annotated accordingly and copies distributed to the department manager and other appropriate offices. In the event of a disagreement regarding whether the leave request qualifies under the FMLA or FMLP, the employee may submit a request for review to the City Manager within five (5) working days. Records of leave qualifying under the FMLA will be maintained in the Human Resources Office.

An eligible employee must identify the need for leave under this policy, for the purposes of birth or child placement, no later than thirty (30) days prior to the beginning date of such leave. In the event of an emergency, the employee must provide as much notice as is practicable.

In the event of leave for a serious medical condition or treatment which is foreseeable, employees are required to make a reasonable effort to schedule treatment so as not to unduly disrupt work operations, and to provide thirty (30) days notice, or such notice as is practicable.

In the event spouses wish to take family leave to care for a child after birth, for adoption or for placement in foster care; or to care for a seriously ill parent, their combined family leave is limited to twelve (12) weeks. Both spouses are entitled to the full twelve (12) weeks for their own illness, or caring for a sick child or spouse.

Supervisors may require that an employee provide a certification of serious health condition at any time after the request for family leave. Employees must provide certification within five (5) working days of the supervisor's written request, unless the supervisor grants a longer period of time. A department head may require a second medical opinion, at the City's expense. In the event the second opinion conflicts with the first, the City may pay for a third and binding opinion. In all cases where an employee uses FML due to a serious personal health condition, or that of a family member, or when the employee is unable to return to work due to that condition for which they took leave, certification from a health care provider is required. To protect an employees privacy rights, medical certification shall be treated as a

medical record and information will be disclosed strictly on a need to know basis.

An employee who completes family leave shall be returned to the same or equivalent position (s)he occupied prior to the leave.

Family leave will not result in any loss of seniority or employment benefits, except that vacation, longevity and sick leave shall not accrue for the unpaid portion leave period. All employer benefit contributions and premiums shall be paid during periods of family leave. The employee will pay for all premiums not covered by the City such as dependent medical coverage or optional insurance premiums at the time they are due. Arrangements should be made with the Finance Department before leave begins.

Eligible employees may exercise rights granted under this policy with complete freedom from retaliation, threat of discharge, or discrimination. The City shall not interfere with or restrain, in any way, an employee's right to family leave in compliance with this policy. If at any time the employee feels he/she is not being treated fairly, he/she may appeal the decision using grievance procedures established under the Personnel Policy or the pertinent labor agreement.

Employees who do not, or cannot, return to work at the end of the period of unpaid leave must contact their department and the Finance Office to arrange for final settlement of wages and benefits continuation options (COBRA). Employees who choose not to return to work after FML will be required to reimburse the City for health and other insurance paid during the period of leave. Departments must forward a Personnel Status Change to record the employee separation.

Distribution: City Manager  
Department Managers  
Division Managers