

COUNCIL ACTION FORM

**SUBJECT: MODIFICATION TO PERSONNEL POLICIES & PROCEDURES
DEALING WITH SUBMITTAL TIME FRAME FOR FAMILY MEDICAL
LEAVE ACT CERTIFICATIONS**

BACKGROUND:

Section 10.16 of the City’s Personnel Policies and Procedures lays out how the City will comply with the federal Family and Medical Leave Act (FMLA). Included in this seven page policy is a process for employees to return required medical certifications to the Human Resources Department.

In Section 10.16(10)(a), the existing policy directs employees to return these certifications “as soon as is reasonably possible.” **Staff has determined that administration of the FMLA policy would be improved by stating a fixed time frame for return of each certification.** On occasion employees have waited many months to submit this paperwork, which makes it impossible to administer FMLA leave on a real time basis.

The FMLA law specifies that a period of 15 days must be provided for this action. In order to accommodate situations where more time may be needed, staff is proposing that the time frame be set at 30 days. A time extension can be approved by the Human Resources Department’s FMLA administrator if the employee requests more time.

The changes to this provision are shown below:

For leaves taken because of the employee’s or a covered family member’s serious health condition, the employee must submit a completed ‘Physician or Practitioner Certification’ form and return the certification to Human Resources. Medical certification must be provided by the employee ~~within fifteen days after requested, or as soon as is reasonably possible.~~ within thirty days after the notice date. If the certification form is not received within thirty days from the time the notice is dated, then it will be denied. If extenuating circumstances prevent the employee from submitting the paperwork within 30 days, it is the employee’s responsibility to contact the FMLA administrator prior to the expiration of that time period to request an extension.

ALTERNATIVES:

1. The City Council can approve the above change to the City’s Personnel Policies and Procedures dealing with the submittal time frame for FMLA certifications.
2. The City Council can leave the policy as it presently exists.

MANAGER'S RECOMMENDED ACTION:

Experience has shown that having an open-ended FMLA medical certification process does not always allow for timely administration of this program. The 30 day time period for returning these certifications will be adequate in the large majority of cases, and additional time can be granted if the employee contacts Human Resources staff within that time frame.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.