



## Request for City Council Committee Action from the Human Resources Department

**Date:** September 10, 2008

**To:** Executive Committee

**Referral to:** Ways & Means/Budget Committee

**Subject:** *Family Medical Leave Act (FMLA) Policy and Procedures*

**Recommendation:** Adopt the Family and Medical Leave Act (FMLA) Policy and receive and file the attached Procedures for the FMLA and direct Human Resources to place the Policy and Procedures in the Policy Library.

**Previous Directives:** None

**Prepared by:** Charles J. Bernardy, Manager, Human Resources

**Approved by:** \_\_\_\_\_  
Pam French, HR Director                      Steven Bosacker, City Coordinator

**Presenters in Committee:** Pam French, Charles Bernardy and/or Mike Bloom

### Reviews

Permanent Review Committee (PRC)	Approval: NA Date: NA
Civil Rights Approval	Approval: NA Date: NA
Department Heads	Emailed to all Department Heads on July 11, 2008
City Labor Management Committee	Sent to Jill Kielblock on July 10, 2008. Ms. Kielblock sent the information to all City labor representatives on July 14, 2008. Staff responded to Ms. Kielblock's questions.
Policy Review Group (PRG)	Approval: Yes Date: June 3, 2008

### History:

The FMLA became effective on August 5, 1993, for most employers. The FMLA, as enacted, allowed eligible employees of a covered employer to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes the employee unable to perform the functions of his or her job. In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

After the FMLA went effect, the Human Resources Department developed a policy, procedures and forms to comply with federal and state employee leave laws. The Policy developed by the Human Resources Department never went to the City Council for approval but was put into place after the FMLA was enacted. Consequently, the Human Resources Department is requesting that the City Council formally adopt this policy to comply with the federally mandated Act.

**Scope:**

- ◆ The FMLA policy has been updated so it is consistent with federal law that was amended and went into effect on January 28, 2008. The FMLA was amended and expanded adding certain types of leave for family members to help relatives serving in the military. The FMLA expansion provides two new types of leave:
  1. Service member family leave and
  2. Qualifying exigency leave.
- ◆ Organizations covered by the FMLA must now offer up to 26 weeks of unpaid leave to employees who provide care to wounded U.S. military personnel. Employers must also provide up to 12 weeks of leave to immediate family members of military personnel who have a qualified exigency.

**Reasons for the changes:**

1. Adopting the policy ensures the City of Minneapolis has continued compliance with federal and state laws.
2. To place the policy and procedures into the format approved by the Policy Review Group.