

KANSAS CITY, MO. POLICE DEPARTMENT PERSONNEL POLICY		DATE OF ISSUE 02-26-02	EFFECTIVE DATE 03-13-02	NO. 746-2
SUBJECT Policy Series 700: Administration of Leave 746 - Family and Medical Leave			AMENDS	
REFERENCE PI - Automated Timekeeping Policies - 450, 710, 740, and 745		RESCINDS 746-1		

I. INTRODUCTION

The department grants Family and Medical Leave (FML) in compliance with the Family and Medical Leave Act of 1993. Family and Medical Leave can be used for the member's own serious health condition, to care for a spouse, child or parent with a serious health condition, or for the birth or adoption of a child.

II. DEFINITIONS

- * A. Eligible member – A member that has been employed for a total of 12 months and has worked at least 1,250 hours over the previous 12 months.
- B. Child - A biological child, adopted child, foster child, stepchild, or legal ward under the age of 18 (or 18 or older and incapable of self-care due to a physical or mental disability).
- C. Spouse - A legally recognized husband or wife.
- D. Parent - A biological parent or an individual who had the responsibility for the day-to-day activity of the member when the member was a child; **OR** the person primarily responsible for furnishing the care and nurture of the child, i.e., a birth parent (including the putative father of the child), a parent of a child by adoption or foster care, or a stepparent.
- E. Putative Father - The alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry or a person who has filed a voluntary acknowledgement of paternity.
- F. Serious Health Condition - An illness, injury, impairment, physical and/or mental condition that involves:
 1. An incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or other residential medical facility.
 2. An incapacity requiring an absence from work of **more than three days** that also involves continuous treatment by, or under the supervision of, a health care provider.

3. Continuous treatments by, or under the supervision of, a health care provider for a chronic or long-term health condition that is incurable, or so serious that, if not treated, would likely result in incapacity for **more than three days**; or ongoing prenatal care.

G. Paid Leave - Vacation days, extra days, personal days, and holidays.

- * H. Compensatory Leave – May not be designated or counted as Family and Medical Leave, but will be included in the retention of 80 hours of leave.

III. POLICY

- * A. All eligible members will be granted up to twelve weeks [480 hours] of family and medical leave per calendar year (twelve weeks [480 hours] combined if both spouses are employed by department), with no interruption of benefits or job position status, for specific situations meeting established criteria. Upon returning to duty, the member will be reinstated to the same or an equivalent job position.

B. A member should give as much notice as is reasonably possible when requesting FML.

C. Leave will be granted for the following circumstances:

1. Birth and care of the member's newborn child

- * A member (mother or father) may use sick leave or paid leave for the birth and care of their newborn child while retaining 80 hours of leave. Leave without pay will be granted when paid leave and sick leave are exhausted.

2. Placement of a child with the member for adoption or foster care

- * A member (mother or father) may use sick leave or paid leave when a child is placed with the member due to adoption or foster care. The member may retain 80 hours of leave. Leave without pay will be granted when paid leave and sick leave are exhausted.

3. Care of an immediate family member (child, spouse, or parent) with a serious health condition.

- * A member must use paid leave prior to using sick leave, but may retain 80 hours of leave, while caring for an immediate family member with a serious health condition. Leave without pay will be granted when paid leave is exhausted.

(Should the serious health condition result in death, FML will cease, and the member will contact his/her supervisor to request appropriate leave.)

4. Serious health condition of a member causing the member to be unable to perform the essential functions of his/her job.
 - * A member may use sick leave or paid leave for their own serious health condition while retaining 80 hours of leave. Leave without pay will be granted when paid leave and sick leave are exhausted.
- D. Members on FML may retain 80 hours of leave when they begin to use their own or donated sick leave. If a member does not have sufficient overtime and extra days, vacation days may be retained. (Refer to Policy 740, Sick Leave, for procedures to donate sick leave.)
- E. Once approved as per this policy, FML may be taken on an intermittent or reduced schedule. The minimum amount of FML a member may request is one hour. One-hour increments of any paid leave (except holidays which must be taken in eight-hour increments) and leave without pay may be taken. Intermittent leave taken is counted against the total twelve-week period allowed.
- F. If a member requests intermittent leave or leave on a reduced schedule that is foreseeable based on planned medical treatment, the department may transfer the member to an equivalent position which would better accommodate recurring periods of leave.
- G. While a member is on FML, all provisions of sick leave and leave without pay will apply.
- H. Supervisors/commanders will ensure proper timekeeping entries are made.

IV. PROCEDURES

- A. When the need for FML is known in advance, a member will complete a Form 1 P.D., Application for Leave, designating the number of days of paid leave, and leave without pay if applicable. The member will also provide sufficient information in the explanation section to establish an FML-qualifying reason for the leave and forward the form to his/her immediate supervisor and commander. Upon approval, the form will be forwarded to the designated timekeeper.
- B. When a member has an immediate need for FML and is unable to submit a Form 1 P.D., verbal authorization may be given by the member's supervisor/commander. The supervisor/commander will complete a Form 1 P.D. for the member designating the number of days of paid leave, and leave without pay if applicable. Sufficient information will be provided in the explanation section to establish an FML-qualifying reason for the leave. The Form 1 P.D. will be forwarded to the designated timekeeper.
- C. Designated timekeepers will forward the white copies of all Forms 1 P.D. requesting FML to the Human Resources Division, Benefits Section.

- D. When any FML request is due to a member's pregnancy or any serious health condition, the member will be required to provide a completed Form 162 P.D., Certification of Physician or Practitioner, within fifteen days, if practical. Periodic updates may also be required during the leave. The department reserves the right to obtain additional medical evaluations or documentation on the nature of the leave request.
- E. Members on FML due to their **own** serious medical conditions, and pregnant females, will adhere to Personnel Policy 740.
- F. The following provisions will apply to members on FML:
 - 1. The member's commander will prepare and forward a Form 191 P.D., Interdepartment Communication, through the chain of command, to transfer a member to the Family and Medical Leave Pool when the member:
 - a. Continues on FML after twenty-eight consecutive days.
 - b. Is on an FML anticipated to last for twenty-eight or more consecutive calendar days.
 - 2. The bureau commander will forward the request to the Employee Benefits Unit and notify the commander to forward the member's jacket to the Employee Benefits Unit.
 - 3. The Employee Benefits Unit will:
 - a. Send Form 163 P.D., Employer Response to Employee Request for Family and Medical Leave, and, if applicable, Form 162 P.D., Certification of Physician or Practitioner, to the member.
 - b. Be responsible for all administrative matters pertaining to the member.
 - c. Ensure timekeeping records associated with the FML are accurate.
 - d. Advise the member's previous bureau commander when the member returns to duty.
 - e. Notify sworn members who must become firearms qualified prior to returning to duty.
- G. The Human Resources Division manager will have the final authority on FML decisions.

V. SPECIAL INSTRUCTIONS

The provisions of this policy take precedence over other policies impacted by FML until such time as they are revised to include changes required by the Act. If a situation develops which is not covered in the provisions of this policy, contact the Benefits Section for clarification. Applicable federal and state law shall control in the event the same conflicts with the provisions of this policy.

Richard D. Easley
Chief of Police

Adopted by the Board of Police Commissioners this 26th day of February, 2002.

Dennis C. Eckold
President