

# FAMILY AND MEDICAL LEAVE

## SAMPLE POLICY

Adopting a Family and Medical Leave policy that provides for the equal treatment of employees with spouses and employees with domestic partners is an important part of a City contractor's efforts to end discrimination in the workplace.

The Federal Family and Medical Leave Act of 1993 (FMLA), and the California Family Rights Act of 1991, describe circumstances under which an employee may take a leave of absence from his or her job and be guaranteed the right to return to work. To comply with the nondiscrimination provisions required of City contractors, Family and Medical Leave must be extended equally to employees with spouses and employees with domestic partners.

Employers are required to notify their employees of the basic provisions of these laws. A sample Family and Medical Leave policy follows:

*Eligible employees may be granted Family and Medical Leave for the following reasons:*

- *To provide care for the employee's child or child of the employee's spouse or domestic partner following the child's birth, adoption, or foster care placement;*
- *To provide care for a spouse, domestic partner, child or parent of the employee, or child or parent of a spouse or domestic partner, who has a serious health condition;*
- *For a serious health condition that makes the employee unable to perform the functions of his/her position.*

### **More information on the Family and Medical Leave Act**

- Gives qualified employees up to 12 weeks of unpaid leave from work per 12 month period.
- Employees are eligible for leave if they have worked for their present employer for at least 12 months and have worked at least 1,250 hours for that employer during the previous 12 months.
- A serious health condition is defined as a physical or mental condition that involves inpatient care in a hospital, hospice, or residential care facility, or continuing treatment by a health care provider. An employer may request reasonable medical documentation of the serious health condition to verify whether an employee is eligible for leave.

- Employers with 50 or more employees are covered by the law. An employer with multiple work sites is covered by the law so long as 50 or more employees work within seventy-five (75) miles of the employee requesting the leave.
- While employers with fewer than 50 employees are not required to provide leave, many do so on a voluntary basis.
- With few exceptions, an employee returning to work from a leave must be returned to the same position held when the leave began or to an equivalent position. An equivalent position is one with equal benefits, pay, and other terms and conditions of employment.
- An employee may maintain group health care coverage during the leave. The employer and the employee must each pay the portion of the health insurance premium that each paid prior to the leave.
- An employee may elect, or an employer may require, that an employee substitute available paid leave, such as sick leave, unused vacation or personal leave, for any part of the 12 weeks of unpaid leave.