PERSONNEL SERVICES BULLETIN 09-06
(Replaces PSB 08-2)

TO: Department Directors/Division Managers
FMLA Coordinators

FROM: Dianna L. Berry DLB
Personnel Director

DATE: October 26, 2009

SUBJECT: Family and Medical Leave Act of 1993 – **Revised Pursuant to Additional Changes in Federal Law**

On February 26, 2008, the Personnel Department issued Personnel Services Bulletin 08-02, implementing the National Defense Authorization Act ("NDAA"), which amended the Family and Medical Leave Act (FMLA) of 1993, as it pertained to employees with family members in the Armed Forces, including the National Guard or Reserves

As a result of these amendments and subsequent comments received by the United States Department of Labor, several additional amendments were made to the FMLA, and on January 16, 2009, the final revisions became effective. (29 C.F.R. §§ 825.100 *et seq*). Due to the significant amendments made to the Act, the City's FMLA Policy Review Committee recommended that separate Personnel Services Bulletins be issued for FMLA pertaining to military-related requests and non military-related requests. Therefore, requests for military-related leave under the FMLA are to be evaluated under Personnel Services Bulletin 09-07.

I. PURPOSE OF THE ACT

The FMLA allows eligible employees to take up to 12 weeks of unpaid leave in a 12 month period for medical reasons; the birth or adoption of a child; and the care of a child, spouse, or parent of the employee who has a serious health condition. (§ 825.200(a)).

II. DEFINITIONS

A. *Son or Daughter:* A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either less than 18 years of age or 18 years of age or older and "incapable of self-care" because of a physical or mental disability at the time that FMLA leave is to commence. "Incapable of self care" means that the individual requires active assistance or supervision to provide daily self-care in three or more activities or instruments of daily living (i.e. hygiene, eating, paying bills, cleaning, etc.). (§ 825.122(c)).

B. *Parent:* The biological parent, adoptive, step or foster father or mother, of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter. Persons who are *in loco parentis* include those with day-to-day responsibilities to care for and financially support a child. A biological

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relationship is not necessary. (§ 825.122(b)).

C. *Spouse:* A husband or wife as defined or recognized under State law for purposes of marriage in the State of Oklahoma, including common law marriage under the laws of the State of Oklahoma. (§ 825.122(a)).

D. *Health Care Provider:* A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services (i.e., podiatrist, dentists, clinical psychologists, optometrists, chiropractor, nurse practitioner and nurse-midwife, physician assistants, clinical social workers, and certain Christian Science practitioners). (§ 825.125(b)).

E. *Serious Health Condition:* An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, continuing treatment by a health care provider or a chronic condition. (§ 825.113).

F. *Intermittent Leave:* Leave taken in separate blocks of time due to a single qualifying reason. (§ 825.202(a)).

G. *Reduced Leave*: A leave schedule that reduces an employee's usual number of working hours per workweek or hours per workday. A change in the employee's schedule for a period of time, normally from full time to part time. (§ 825.202(a)).

H. *FMLA 12-Month Period:* The 12-month period is measured forward from the date an employee's first FMLA leave begins. Example: If an employee's FMLA 12-month period begins on June 9 it will run until the following June 8. (§ 825.200(b)(4)).

III. ELIGIBILITY REQUIREMENTS

A. To be eligible for leave under the FMLA, an employee must have been employed by The City for at least 12 months within the past seven years *and* worked at least 1,250 hours during the previous 12 month period preceding the request for leave. (§ 825.110).

1. The 12 months do not need to be consecutive months. (§ 825.110(b)). For example, if an employee worked for The City five (5) years before the current period of employment, the previous service could be counted toward the employee's 12-month eligibility requirement.

2. If the break in service is to fulfill National Guard or Reserve military service obligations, there is no limit in the gap between periods of employment. (§ 825.110(b)).

B. If The City grants non-FMLA leave to an employee before the employee is eligible for FMLA leave and the employee becomes eligible for FMLA leave while on non-FMLA

leave, the leave period after the date the employee becomes eligible is FMLA leave and the leave period before such leave is non-FMLA leave. (§ 825.110).

C. An eligible employee shall be entitled to a total of 12 workweeks of leave during the FMLA 12 month period for one or more of the following *FMLA qualifying events*:

Birth or Adoption:

1. The birth of a son or daughter of the employee or placement of a son or daughter with the employee for adoption or foster care. (§ 825.112).

    a. Both the mother and father are entitled to FMLA leave to be with the healthy newborn child (i.e. bonding time) during the 12-month period beginning on the date of birth. (§ 825.120).

    b. The mother is entitled to FMLA leave for incapacity due to pregnancy (i.e. morning sickness), for prenatal care, or for her own serious health condition following the birth of the child. (§ 825.120).

    c. The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated, if needed to care for her during her prenatal care, or if needed to care for the spouse following the birth of a child if the spouse has a serious health condition. (§ 825.120).

    d. Employees may take FMLA leave *before* the actual placement or adoption of a child if an absence from work is required for placement for adoption or foster care to proceed (i.e. appear in court, counseling, or travel to another country, etc.). (§ 825.121).

    e. If both parents work for The City, the combined leave to which they are entitled is 12 weeks. However, time may be split in any manner chosen by the parents. For example, if each parent took 6 weeks of leave to care for a healthy, newborn child, each could use an additional 6 weeks due to his or her own serious health condition or to care for a child with a serious health condition. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of leave. (§ 825.120(a)).

Employee's Serious Health Condition:

2. A serious health condition that renders the employee "unable to perform the functions of the position" because of an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. (§ 825.112).

    a. An employee is "unable to perform the functions of the position"

where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. (§ 825.123).

b. An on-the-job injury that qualifies as a serious health condition under FMLA will be charged to the employee's FMLA entitlement. The workers' compensation absence and FMLA leave shall run concurrently subject to proper notice and designation by the department.

Family Member's Serious Health Condition:

3. An employee may be eligible for FMLA when "needed to care for" the employee's spouse, son, daughter, or parent of the employee with a "*serious health condition.*" Care for parents-in-law is not covered by the FMLA. (§ 825.112; § 825.201).

   a. "Needed to care for" means an employee may take leave to care for a family member if needed to provide physical and/or psychological care (i.e. basic medical needs, hygiene, transportation to the doctor, or emotional support). (§ 825.124).

   b. The employee does not need to be the only individual or family member available to provide the care nor is the employee required to provide actual care. (§ 825.124).

   c. If both spouses work for The City, each is entitled to 12 weeks to care for a sick son or daughter. If one spouse is ill and must be cared for by the other, each spouse is entitled to 12 weeks.

Servicemember leave – See PSB 09-07

IV. NOTICE AND DESIGNATION OF FMLA

A. Eligibility notice. When an employee requests FMLA leave, or when the department/division acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the FMLA Coordinator must notify the employee of the employee's eligibility within five business days, absent extenuating circumstances. If it is determined that the employee is not eligible, the notice must state at least one reason why the employee is not eligible. *See* DOL Notice of Eligibility of Rights and Responsibilities form. (§ 825.300).

B. Employee notice requirements. An employee must provide at least verbal notice to the department/division at least 30 days before FMLA leave is to begin if the need for

the leave is foreseeable based on an expected birth, placement for adoption or foster care, or a planned medical treatment for a serious health condition of the employee or a family member. If 30 days notice is not practicable, notice must be given as soon as practicable. The notice should make the department/division aware that the employee needs FMLA leave and the anticipated timing and duration of the leave. (§ 825.302).

C. Designation notice. It is The City's responsibility through the FMLA Coordinator to designate leave as FMLA qualifying, and to give notice of the designation of FMLA leave to the employee. When the FMLA Coordinator has enough information to determine whether the leave is being taken for a FMLA qualifying reason (e.g. after receiving the certification), the Coordinator must notify the employee within five (5) business days. *See* DOL Designation Notice form. (§ 825.300(d)).

1. If the department/division will require the employee to present a fitness-for-duty certification to be restored to employment, it must provide notice of such requirement with the designation notice. If the fitness-for-duty is to address the employee's ability to perform the essential functions of the employee's position, it must so indicate in the designation notice, and must include a list of essential functions of the employee's position. (§ 825.300(d)).

2. If the information provided by the employer to the employee in the designation notice changes (e.g. the employee exhausts the FMLA entitlement), the employer shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change. (§ 825.300(d)(5)).

D. Sufficient information to designate leave. The decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (i.e. if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the department/division of the need for leave). (§ 825.301(b)).

1. In any circumstance where there is insufficient information about the reason for an employee's use of leave, the department/division can inquire further of the employee or the employee's spokesperson to ascertain whether the leave is potentially FMLA qualifying. (§ 825.301(b)).

2. If the employee or their spokesperson fails to explain the reasons for the use of leave, the FMLA leave may be denied. (§ 825.301(b)).

E. Requesting use of approved FMLA leave. When an employee seeks leave due to an approved FMLA event, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. (§ 825.303).

1. Calling in "sick" without providing more information will not be

considered sufficient notice to trigger obligations under the FMLA. (§ 825.303).

2. An employee has an obligation to respond to questions designed to determine whether an absence is potentially FMLA qualifying. Failure to respond to reasonable inquiries regarding the leave request may result in denial of FMLA protection if unable to determine whether the leave is FMLA qualifying. (§ 825.303).

F. Retroactive designation. FMLA leave may be retroactively designated with appropriate notice to the employee provided that the failure to timely designate leave does not cause harm or injury to the employee. (§ 825.301).

G. Denial of FMLA Leave. Denial of FMLA leave requires consultation with the Personnel Department.

V. CERTIFICATION

A. Certification requirement. The department/division may require an eligible employee to provide certification from a health care provider supporting the need for family and/or medical leave no later than 15 days from the date leave is requested. (§ 825.305(b)).

B. Costs. Any and all costs associated with obtaining medical certification for purposes of FMLA are the sole responsibility of the employee.

C. Complete and sufficient certification. In all instances in which certification is requested, it is the employee's responsibility to provide a complete and sufficient certification and failure to do so may result in denial of FMLA leave. (§ 825.305; § 825.306).

1. The FMLA Coordinator shall advise an employee whenever the certification is incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee has seven (7) calendar days to resubmit the certification. If the deficiencies are not cured in the resubmitted certification FMLA leave may be denied. (§ 825.305; § 825.306).

2. A medical certification is considered incomplete if one or more of the applicable entries have not been completed. A medical certification is considered insufficient if the information is vague, ambiguous, or non-responsive. (§ 825.305; § 825.306).

3. A certification that is not returned is not considered incomplete or insufficient, but constitutes a failure to provide certification. (§ 825.305).

D. Certification for each event. A separate request for leave must be submitted for each FMLA purpose. Approved leave shall only apply to that single purpose.

E. Statement of essential functions. The department/division has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. The essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier. (§ 825.123).

F. Certification forms. When leave is taken because of an employee's own serious health condition or the serious health condition of a family member, the employee may be required to obtain a medical certification from the health care provider. For use in obtaining medical certification, employees can either submit the current Department of Labor form WH-380E or WH-380F or some other form of documentation that sets forth the following information: (§ 825.306)

1. The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

2. The approximate date on which the serious health condition commenced, and its probable duration;

3. A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave. Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

4. If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job as well as the nature of any other work restrictions, and the likely duration of such inability (see § 825.123(b) and (c));

5. If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is *in need of care*, and an estimate of the frequency and duration of the leave required to care for the family member;

6. If an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment of the employee's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such

treatments and any periods of recovery;

7. If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity; and

8. If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

G. HIPAA privacy rules. The City has a statutory right to require sufficient medical information to support an employee's request for FMLA leave for a serious health condition. Generally, HIPAA privacy rules only apply in a physician/patient relationship and not to the employee/employer relationship. The HIPAA privacy rule does not apply in situations where an employee is providing medical certification to the employer for purposes of qualifying for FMLA leave. If an employee fails to provide the requested medical information, the employee will not qualify for FMLA.

H. Contact with health care providers. The FMLA specifically allows Human Resource professionals to contact an employee's health care provider for the sole purpose of authenticating or clarifying a medical certification but only after the employee has been given the opportunity to cure any deficiencies. The FMLA specifically prohibits direct supervisors from contacting the employee's health care provider. (§ 825.307).

I. Recertification. If a minimum duration for the *period of incapacity* is specified, recertification may not be requested until that time period has expired. For example, if the certification states the employee will be unable to perform essential functions of job for two weeks, then the department/division cannot request recertification until that two weeks has expired. (§ 825.308).

1. Recertification may be requested in less than 30 days if the employee requests an extension of leave, circumstances have changed significantly from the original certification, or there are doubts about the stated reason for the employee's absence. (§ 825.308).

2. In all circumstances, recertification is permitted every six (6) months. (§ 825.308).

3. The employee is responsible for the costs of recertification. (§ 825.308).

4. If the recertification is not provided in 15 days, the department/division may deny continuation of FMLA leave until recertification is provided. (§ 825.308).

VI. INTERMITTENT AND REDUCED LEAVE SCHEDULE

A. Birth or placement of a child. When leave is taken after the birth of a *healthy* child or placement of a *healthy* child for adoption or foster care, intermittent or reduced leave may be taken only with the agreement of the supervisor. An agreement is not required for leave during which the mother has a serious health condition with the birth of her child or if the newborn child has a serious health condition. (§ 825.202(c)).

B. Medical need for intermittent leave. Intermittent or a reduced leave schedule taken because of one's own serious health condition or to care for a parent, son or daughter with a serious health condition requires a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. (§825.202(b)).

C. Scheduling treatment. When planning medical treatment, the employee must consult his/her supervisor and make a reasonable effort to schedule the treatment so as not to unduly disrupt operations, subject to the approval of the health care provider. (§ 825.302).

D. Temporary transfer. An employee on intermittent leave or on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or family member may be temporarily transferred from their regular position to an alternative position for which the employee is qualified and which better accommodates recurring periods of leave. (§ 825.204).

1. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced schedule leave. (§ 825.204(b)).

2. When the employee no longer needs to continue the intermittent leave or reduced leave schedule the employee must be placed in the same or equivalent job as he/she left when the leave commenced. (§ 825.204(e)).

3. Transfers may require compliance with applicable collective bargaining agreements. (§ 825.204(b)).

E. Time keeping. Intermittent and reduced leave schedule will reduce the 12-week FMLA entitlement minute for minute. (§ 825.205).

VII. EFFECT ON PAY, ACCRUED LEAVE, BENEFITS AND POLICIES

A. Substitution of paid leave. Generally, FMLA leave is unpaid leave. However, The City allows an employee requesting FMLA leave to substitute accrued sick leave, vacation leave, compensatory time (CTO) and donated sick leave prior to being placed in an unpaid leave status. The department/division is not required to provide sick leave benefits in any situation in which a health care professional has not certified the leave as medically necessary, or has released the employee/family member from medical care. (§ 825.207).

B. Exempt employees. If an employee is otherwise exempt from minimum wage and overtime requirements under the Fair Labor Standards Act (FLSA) as a salaried employee, providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. (§ 825.206).

C. Vacation and sick leave accruals. Vacation and sick leave shall not continue to accrue during any family and/or medical leave, which exceeds two (2) consecutive payroll periods. (§ 825.209(h)).

D. Retirement and longevity. Unpaid family and/or medical leave will result in an adjustment to the employee's retirement and longevity eligibility (see applicable state statute with respect to eligibility for members of the Police and Fire pension systems). Salary review and eligibility dates will be adjusted one day for each day of absence in excess of 30 continuous calendar days. (§ 825.209(h)).

E. Health and welfare benefits. An employee on FMLA leave will have health and welfare benefits maintained while on leave as if the employee had continued to work instead of taking the leave.

1. Premiums. The employee will continue to pay his/her share of the premiums during the leave period. Failure to pay the required premium may result in cancellation of the employee's coverage.(§ 825.209; § 825.210; § 825.212).

2. COBRA. Once all leave, including FMLA, has been exhausted and the employee has been in an unpaid status exceeding two (2) consecutive payroll periods, the employee will be offered allowable continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA). Should the employee elect COBRA continuation coverage, he/she will be responsible for all premiums associated to continue health insurance coverage. Failure to pay the required premiums may result in cancellation of insurance benefits. (§ 825.209(f)).

F. Overtime. If an employee would normally be required to work overtime, but is unable to do so because of a FMLA-qualifying reason that limits the employee's ability to work overtime, the hours which the employee would have been required to work may be counted against the employee's FMLA entitlement. Voluntary overtime hours that

an employee does not work due to a serious health condition may not be counted against the employee's FMLA leave entitlement. (§ 825.205).

G. Holiday. Holidays are counted as FMLA leave if the employee is on FMLA leave the entire week in which the holiday falls. If the employee takes FMLA for less than a full workweek in which the holiday falls, the holiday does not count as FMLA leave unless the employee was otherwise scheduled and expected to work during the holiday. (§ 825.200).

H. Periodic reporting. The department/division may require an employee on FMLA leave to report *periodically* on the employee's status and intent to return to work. The relevant facts and circumstances related to the individual employee's leave situation must be taken into account before determining how often the employee should be required to report the status and intent of their return to work. (§ 825.311).

I. Division reporting requirements. The department/division may require an employee to comply with the usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. (§ 825.302).

J. Bonuses. If a bonus, award, or other payment is based on the achievement of a specified goal (e.g., hours worked, production output, perfect attendance, safety, etc.) and the employee has not met the goal due to FMLA leave, then the bonus or payment can be denied (and does not need to be pro-rated) as long as other employees on an equivalent leave status (e.g., vacation, sick days, paid time off, etc.) for a reason that does not qualify as FMLA leave are treated the same. (§ 825.215).

K. Secondary employment. An employee is prohibited from engaging in any secondary employment that occurs when the employee is off work from City employment on FMLA leave.

L. Recordkeeping. Each department/division will be responsible for establishing procedures for entering and tracking FMLA leave in the payroll system for benefit purposes, as well as, maintaining records and documents related to health care certifications in a separate confidential medical file. (§ 825.500).

VIII. RETURN FROM FAMILY/MEDICAL LEAVE

A. Restoration to position. An employee returning from FMLA leave within the 12 week FMLA period shall be restored to the position held prior to the leave commencing; or if the previously held position is unavailable, shall be restored to an equivalent position with equivalent pay and benefits, within his/her current department or division. (§ 825.214).

1. Necessary leave. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. (§ 825.311(c)).

2. Light duty. If an employee accepts a light duty assignment while still eligible for FMLA leave, he/she has reinstatement rights to his/her original or an equivalent job, but only until the end of the FMLA 12-month period. (§ 825.220(d)).

3. Qualifications expired. If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, etc. as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return. (§ 825.215(b)).

B. Medical release to return to work. Prior to an employee's return to work, the employee may be required to provide The City with a medical release, indicating that he/she is able to resume work. (§ 825.312(a))

C. Fitness for duty. The department/division is entitled to a fitness-for-duty certification up to once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties, based on the serious health condition for which the employee took such leave. In order to require a fitness-for-duty, the department/division must provide an employee with a list of the essential job functions no later than with the designation notice and it must be indicated in the designation notice that the fitness-for-duty must address the employee's ability to perform those essential functions. (§ 825.312(a)).

1. The cost of the fitness-for-duty shall be borne by the employee. (§ 825.312(c)).

2. A department/division may delay restoration to employment until an employee submits a required fitness-for-duty. (§ 825.312(e)).

3. An employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA. (§ 825.312(e)).

D. Second opinion. The City reserves the right to obtain a second opinion, and if necessary a third opinion, at The City's expense. If the second or third opinion supports the original release, the employee shall be compensated, from the date of the original release. However, if *both* the second and third opinion do not support the original release, the employee shall not be compensated for time lost. (§ 825.307(b)).

IX. FAILURE TO RETURN FROM FAMILY/MEDICAL LEAVE

A. Failure to Return. An employee who fails to return from FMLA leave after the 12 weeks of FMLA leave has expired and has not been approved for leave of absence or after being medically certified to do so, may be subject to disciplinary action, up to and including termination.

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B. Personal leave of absence. An employee who is medically unable to return to work after the 12-week FMLA period has expired, and is unable to perform the essential functions of his/her position with or without restrictions, may apply for a leave of absence through his/her department director. (See Personal Leave of Absence Section of the Personnel Policies).

1. If the leave of absence is approved, the employee will be permitted to use accrued vacation/sick leave/comp time. If the employee does not have any accrued vacation, sick leave, or comp time, he/she will be placed in an unpaid status.

2. If after the leave of absence expires the employee remains unable to perform the essential functions of the position he/she held at the time FMLA was granted (with or without restrictions), the employee may be subject to termination.

3. Medical documentation from the employee's health care provider indicating that the employee is unable to work because of the continuation, recurrence, or onset of the serious health condition, must be provided at the time the leave of absence is requested. The City reserves the right to investigate an employee's continued absence. ***Note:*** Continued absences due to job injuries are covered under applicable job injury policies.

C. Restoration after expiration of FMLA. The employee does not have the right to restoration to his/her position after the 12-week FMLA entitlement has expired, except where the employee's job injury leave exceeds the FMLA period. In that instance, the employee will be restored according to applicable injury leave policies. An employee whose medical leave exceeds 12 weeks will be returned to the same or similar position, only if available. If the same or similar position is not available, the employee may be terminated.

X. ADMINISTRATION

A. Each City department shall have an assigned FMLA Coordinator who is responsible for administration of the FMLA policy as it pertains to that department's employees. If an employee has questions or concerns about the interpretation or administration of the FMLA policy they are to consult their FMLA Coordinator.

B. The Personnel Department shall be responsible for general oversight and interpretation of the FMLA; provide advice and guidance to all FMLA Coordinators regarding applications of the Act; and, the coordination of all FMLA dispute resolution activities between The City and the United States Department of Labor, Wage and Hour Division.

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