

ORDINANCE NO. 929

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF STAFFORD, TEXAS, AMENDING SUBSECTION L "FAMILY AND MEDICAL LEAVE" SECTION V. "EMPLOYMENT BENEFITS" OF THE CITY OF STAFFORD'S FAMILY MEDICAL LEAVE POLICY TO COMPLY WITH THE AMENDMENTS TO THE ACT REGARDING NATIONAL GUARD AND RESERVE PERSONS; REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERANCE.

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BE IT ORDNANIED BY THE CITY COUNCIL OF THE CITY OF STAFFORD, TEXAS:

Section 1. Subsection L "FAMILY AND MEDICAL LEAVE" SECTION V. "EMPLOYMENT BENEFITS" of the City of Stafford's Family Medical Leave Policy is hereby amended as follows:

1. Definitions. No changes.
2. **ELIGIBILITY:** Employed at least 12 months (52 weeks) for at least 1250 hours during the previous 12 months

ENTITLEMENT: Total of 12 work weeks of leave during any 12 month period.
(12 month period is a "rolling" 12 month period measured backwards from the date an employee uses any FMLA Leave)

Total of 26 weeks of unpaid leave in a single 12 month period to care for a serious illness or injury incurred by military personnel in the line of active duty.

REASONS: Birth and care of a newborn child of the employee;

Placement with the employee of a son or daughter for adoption or foster care;

To care for a spouse, son, daughter, or parent with a serious health condition;

To take medical leave when the employee is unable to work because of a serious health condition

For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation;

To care for a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness. .

PAID LEAVE: Accrued vacation leave and compensatory time used for birth, placement for adoption, and placement for foster care;

Accrued sick leave for care for a newborn child (maternity leave);

Accrued vacation, sick, and compensatory time for serious health condition of employee, spouse, parent, or child

Accrued vacation, sick and compensatory time to address qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Workers Comp and Short Term Disability.

Each Department Head shall document FMLA leave, both paid and unpaid, and forward a copy to Finance Department & employee.

Employee may request FMLA leave with 30 days notice, if foreseeable.

Required Certification Forms are available from the Finance Director.

City continues to provide medical coverage for employees. Employee will reimburse City for cost of medical coverage premiums if employee elects not to return to work after non-paid FMLA leave.

Sick Leave continues to accrue during non-paid leave.

TMRS contributions shall cease after 3 continuous weeks of non-paid FMLA leave.

ROLLING 12-MONTH PERIOD:

Each time an employee takes FMLA leave the remaining entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

For example, if employee has taken 8 weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If employee used 4 weeks beginning February 1, 2000; and 4 weeks beginning June 1, 2000; and 4 weeks beginning December 1, 2000; the employee would not be entitled to any additional leave until February 1, 2001. Employee would be entitled to 4 weeks leave on Feb 1, 2001. Employee would be entitled to an additional 4 weeks on June 1, 2001, etc...

Only the amount of leave actually taken counts towards the 12 weeks of leave:

INTERMITTENT LEAVE:

Employee who normally works 5 days a week and takes off one day would use 1/5 of one week of FMLA Leave is used.

Leave shall not be taken on intermittent or reduced leave schedule for birth, placement for adoption, or foster placement unless the department head decides otherwise.

REDUCED SCHEDULE LEAVE:

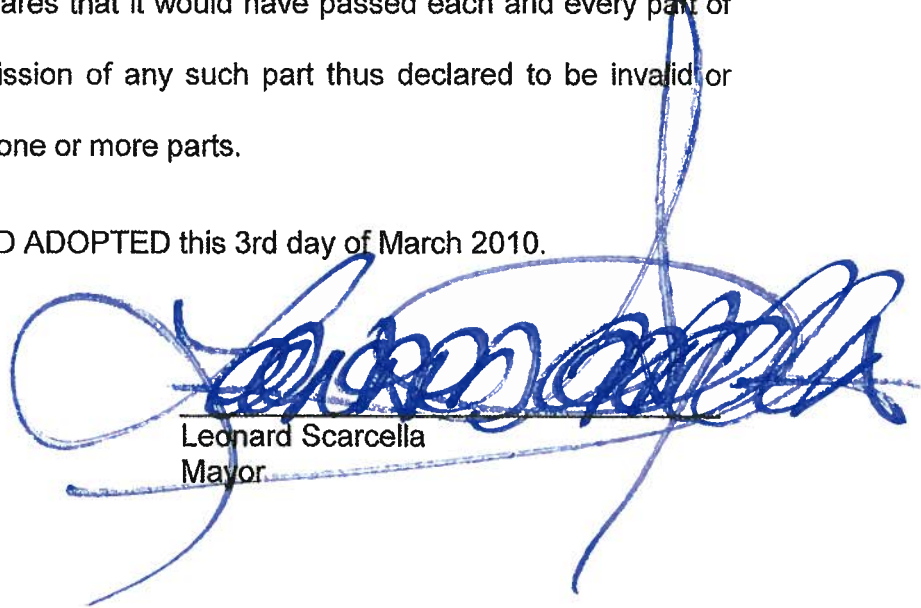
Employee who normally works 8 hour days works 4 hour days under a reduced leave schedule would use ½ week of FMLA Leave each week.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. Severance. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision

hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Stafford, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 3rd day of March 2010.



Leonard Scarcella
Mayor

ATTEST:



Bonnie Baiamonte
City Secretary