

FAMILY AND MEDICAL LEAVE OF ABSENCE

NOTICE OF RIGHTS

The City of Racine has received your request for family and medical leave. The following information concerns your rights and obligations under the family and medical leave laws and will explain to you the following consequences of your failure to meet these obligations.

Please read the following information carefully and if you have any questions, please contact the Human Resources Office.

1. **Reasons for Taking Leave:** Unpaid leave will be granted for any of the following reasons:
 - For the birth of a child and to care for the newborn child;
 - For the placement with the employee of a child for adoption or foster care and to care for the child;
 - To care for the employee's spouse, child, or parent who has a serious health condition;
 - Employee's spouse, child, or parent is on exigent active duty or has been notified of an impending call or order to active duty in the Armed Forces; or
 - For a serious health condition that makes an employee unable to perform his/her job.
2. **Leave Entitlement:** Under Federal Law, a maximum of 12 work weeks of unpaid leave in a 12 month period may be granted for any one or combination of the above reasons. The 12 month period is defined as a calendar year.
3. **Other Leaves:** Leaves of absence provided by contract, policy, worker's compensation, etc. run concurrent with both Federal and State FMLA. Further, both Federal and State leave run concurrent.
4. **Advance Notice:** The employee must provide thirty days advance notice when the leave is 'foreseeable' or as much advanced notice as reasonable and practicable.
5. **Medical Certification:** If your leave is based on your serious health condition you will be asked to provide the Human Resources Department with a medical certification prepared by your health care provider. The medical certification must be provided to Human Resources within fifteen (15) days of the request or, in cases of medical emergency or unforeseen circumstances, as soon as practicable after your leave begins. If you fail to provide Human Resources with a timely medical certification, your leave request or your continuation of leave will be denied until the required certification is provided.

If your leave request is based on the serious health condition of your spouse, child or parent, the Human Resources Department will require medical certification from the attending health care provider.

6. **Additional Certification:** Upon request of the City of Racine, you may be required to

submit to another examination by a health care provider selected by the City, at the City's expense. If the second opinion differs from the initial certification, a third opinion may be obtained. The third opinion is final and binding.

7. **Recertification:** On a periodic basis, you must provide Human Resources with subsequent recertification that your serious health condition still prevents you from performing your job functions or that you are still needed to care for a family member with a serious health condition.
8. **Intent to Return to Work:** You may be asked by Human Resources to provide periodic reports on your status and intent to return to work.
9. **Physician's Release:** If you are on medical leave because of your own serious health condition, you will be asked to provide Human Resources with a physician's release signed by your health care provider before you can return to work. If you fail to provide Human Resources with a physician's release, your reinstatement will be denied until the required certification is provided.
10. **Fitness for Duty Certification:** You may be required to furnish a fitness for duty certification releasing you to active duty. In the event the physician is releasing you with work restrictions, the authorization must be detailed indicating any restrictions in hours and/or physical movements (twisting, bending, lifting, standing, walking, etc.). You may wish to contact your supervisor and obtain an Attending Physician Report form and job description to assist your physician in explaining work limitations or as to the types of restrictions that would impact the performance of your job functions.

The City reserves the right to send you to its physician to determine your fitness for duty and ability to perform the essential job functions.

Note: *It is your responsibility to notify the Human Resources Department of your return to work regardless of whether a Fitness for Duty Certification or Physician's authorization is required. Failure to do so may result in payroll problems.*

11. **Substitution:** You may request payment for unpaid leave by substituting any paid leave you have accrued at the time of your leave commencement. When paid leave is substituted for your unpaid leave, this leave will not be available to you later. You will not be entitled to additional family and/or medical leave as a result of the substitution of paid leave.
12. **Maintenance of Insurance Coverage:** In order to maintain your group insurance coverage(s) during your family or medical leave, you must continue to pay your share of the insurance premium(s) as you did prior to your leave. If you elect substitution of paid leave, your share of premium(s) will be paid through the normal payroll deduction method. Otherwise, the City will designate a method for collecting premium(s) when your leave is unpaid.
13. **Employment Protection:** Upon returning to work from family or medical leave, you will be

reinstated to the position you held prior to the leave or, if your position is no longer available, to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. (Note: You must be physically/mentally capable of performing the same or equivalent duties).

For additional information, please contact the Human Resources Department.