



Non-FMLA Medical Leave Policy

Policy Number: PP 2-13

Effective Date: July 1, 2017

Approved By: Roger L. Stancil, Town Manager

POLICY

The Town Manager may approve a non-FMLA Medical Leave of up to one year for a regular full or part time employee. Non-FMLA Medical Leave may be requested when an employee has exhausted his/her FMLA entitlements, when the employee does not qualify for FMLA due to length of service, or when the use of a leave is due to a family member that is not qualified under FMLA provisions.

This time is inclusive of any time taken under the Family and Medical Leave Act. Non-FMLA Medical Leave is a discretionary benefit granted by the Town, not a guaranteed right.

PURPOSE

In accordance with the Town value of Teamwork, the Town creates a cooperative work environment providing options for a medical leave of absence from work. Non-FMLA Medical Leave may provide approved leave for employees who require an absence not covered by the provisions of the Family and Medical Leave Act.

The Director of Human Resource Development is authorized to issue procedures related to this policy.

R.E.S.P.E.C.T. VALUES



Teamwork: We participate in a cooperative work environment in order to support each other in our service to the community. We encourage an environment that fosters innovation and creativity.

APPROVAL

Roger L. Stancil, Town Manager



Non-FMLA Medical Leave Procedures

Policy Number: PP 2-13

Effective Date: July 1, 2017

Approved By: Cliff Turner, Human Resources Development Director

PROCEDURES

A. These procedures are issued by the Director of Human Resource Development to implement the Non-FMLA Medical Leave Policy, PP 2-13, issued by the Chapel Hill Town Manager. These procedures may be periodically updated.

General Provisions

1. Discretionary Benefit: Non-FMLA Medical leave is a discretionary benefit to regular full and part time Town employees. The Town has no obligation to approve non-FMLA medical leave. The Town will consider certain factors in making a determination, some, but not all, of which are included below:

- a) Length of employment
- b) Operational needs of the department
- c) Prior Performance evaluations and other employee records
- d) Prior requests for non-FMLA medical leave

B. HRD Director and Department Head Authority: The Director of Human Resource Development and the Department Head can jointly approve an employee's initial Non-FMLA Medical leave request of less than 30 days. An employee's subsequent requests for similar leave must be approved by the Town Manager.

C. Approval Process:

1. Request: Requests for a Non-FMLA Medical Leave are to be submitted in writing to the employee's Department Head, stating the anticipated start date, anticipated date of return, and the reason for the leave. When the reason for the leave is known in advance, the leave request should be submitted as far in advance as possible, preferably at least 30 days. Medical documentation may be required by the Department Head. Once the Department Head has received a complete request, they will share the request with the Human Resource Development Director within five (5) business days.

2. Approval: Upon mutual receipt of a complete Non-FMLA Medical Leave Request, the employee's Department Head and the Director of the Human Resource Development Department will have ten (10) business days to issue a recommendation to the Town Manager about whether to approve or reject the request.

PROCEDURES
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a) Concurrence: If the Department Head and the Human Resource Development Director concur on the approval or rejection of the request, they will submit a joint recommendation to the Town Manager for final approval. The Manager will have ten (10) business days to issue a decision.

b) Disagreement: If the Department Head and the Human Resource Development Director do not concur on the approval or rejection of the request, they will each submit a recommendation to the Manager who will issue a final decision. The Manager will have ten (10) business days to issue a decision.

c) Non-Approval: If the request is not approved, the employee will be expected to return to work within 3 business days of receiving notification. If the employee does not return to work, then the employee will be considered to have resigned in good standing with the Town.

3. Leave Amounts Approved: Leave can be approved in any increments. The maximum amount of non FMLA medical leave that can approved at any one time is six (6) months. Employees seeking more than six months must repeat the request and approval process outlined in this policy prior to the expiration of their initial leave period.

4. Maximum Leave Time: The maximum amount of non-FLMA medical leave that can be taken for any single incident is twelve (12) months, which includes the time taken under the Family and Medical Leave Act and/or Town Parental Leave.

5. Re-Certification of Medical Necessity:

a) Frequency of Re-Certification: The Town can request updated certification of the medical necessity for the leave as frequently as once every 60 days, regardless of the total amount of leave time approved.

b) Revocation of Leave: The Town may rescind the leave approval if the required medical documentation is not provided within 14 days of the Town's request.

6. Termination: When an employee is unable to return work after a period of one year (12 months), their employment with the Town will be terminated in good standing. The employee is eligible for rehire under the terms described in the Town's Policy 3-4 Reinstatement and Rehire of Former Employees.

D. Pay and Benefits:

1. Use of Leave: While on medical leave, the employee may use sick leave, vacation leave, banked holiday leave or compensatory time; or leave may be taken as leave without pay.

2. Holiday Pay: Employees are not eligible for holiday compensation unless they are in pay status for that pay cycle.

3. Health Insurance Benefits: During a medical leave, health insurance benefits are affected as out lined below and in the Town policy **6-1 Health Insurance Coverage and Payments**.

a) Employees in Pay Status: If an employee is in pay status, the Town will continue to pay its portion of the individual and dependent medical insurance. (*Pay Status is defined in the DEFINITIONS section of these procedures below*)

PROCEDURES
CONT.

b) Employees in Unpaid Status during an FMLA- protected Leave Period: If an employee is in unpaid status, but approved for FMLA AND within the approved FMLA coverage period, then the Town will continue to pay its portion of the individual and dependent medical insurance.

c) Employees in Unpaid Status, not in an FMLA-protected Leave Period: An employee in unpaid status, who is not in FMLA status, may maintain Town health insurance under the Town's group policy at their own expense under the provisions of Federal Consolidated Omnibus Budget Reconciliation Act, or COBRA.

d) Employees on Leave while Receiving Additional Benefit Payments; Sometimes an employee is required by the terms of another benefit, for example, disability insurance, to restrict the number of hours of leave they may use in a pay period. Employees in this situation will be considered to be in pay status if they are using the maximum amount of leave allowed without jeopardizing their benefit.

4. Leave Accrual:

a) Leave without Pay: If the employee is on leave without pay, they do not accrue leave.

b) Leave with Pay: if the employee is using paid leave, they may accrue leave for any pay period when the use of leave is equivalent to at least fifty percent (50%) of their normally paid hours for that pay period.

E. Return to Work:

An employee who has been on medical leave may be required to submit to an examination by a Town-approved physician before returning to work to assess their ability to perform the essential functions of their job.

F. Options if Employee is Unable to Perform Essential Functions:

If an attending physician or a Town-approved physician determines that an employee is no longer able to perform the essential functions of their job, even with reasonable accommodations, the employee must choose one of the following options within sixty (60) days of such determination:

1. Retirement: pursue a medical retirement under the N. C State Retirement System, if eligible, with an effective date no later than ninety (90) days from the date of the medical assessment.
2. Alternative Employment: Seek a transfer to another vacant position with which they are qualified. Salary placement will be based on the pay grade of the new position.
3. Resignation: Resign from Town employment in good standing.
4. Termination: be terminated from Town employment for medical reasons.

PROCEDURES
APPROVED BY

Cliff Turner, Human Resources Development Director



FORMS/INSTRUCTIONS

Employee to provide written request for medical leave to Department Head
Additional documentation from physician may be required.

ADDITIONAL CONTACTS

Human Resource Development - 919-968-2700 or HR@townofchapelhill.org
Ombuds office - 919-265-0806 or Ombuds@townofchapelhill.org
Payroll - 919-968-2712

DEFINITIONS

A. Domestic Partner: Domestic partner is defined in the [Town's Code of Ordinances, Section 1-2](#) as two individuals who have reached the age of majority and live together in a long-term relationship of indefinite duration, with an exclusive mutual commitment in which the partners share the necessities of life and are financially interdependent. Also, domestic partners are not married to anyone else, do not have another domestic partner and are not related by blood more closely than would bar their marriage in this state.

B. Health Care Provider: A Doctor of Medicine or Osteopathy who is authorized to practice medicine or surgery in the State of North Carolina, or any other person determined by statute, credential or licensure to be capable of providing health care services which include:

1. Physician Assistants, Podiatrists, Dentists, Clinical Psychologists, Clinical Social Workers, Optometrists, Nurse Practitioners, Nurse Midwives, Chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist);
2. Health care providers from whom the Town's approved group health plan will accept certification of a serious health condition to substantiate a claim for benefits.

C. Immediate Family: (non FMLA definition): For Town policies other than the FMLA, the term "immediate family members" shall include parents, stepparents, parents-in-law, grandparents, children, domestic partners, and spouses. It also includes siblings when the employee is the sole care provider. For the Town's FMLA policy, please refer to the legal definition for Family Member- FMLA Definition.

D. Pay Status: A full or part-time employee is considered to be in pay status if the employee's work hours and /or use of paid leave for a pay period is equivalent to at least 50% of the employee's normal work hours for that pay cycle. Employees who are receiving Workers' Compensation benefits are considered to be in pay status. Employees not in "pay status" are considered to be in an unpaid status.

E. Pay Period: A regular 7 or 14 day period in which work is performed and for which pay is received. The pay period is generally Saturday through Friday for most weekly employees, and Tuesday through Monday for most bi-weekly employees. Some employees, such as fire and police employees, have a different pay cycle.

F. Unpaid Status: A 'part-time' employee is considered to be in unpaid status if the employees work hours and/or use of paid leave for a pay period is less than 50% of the employee's normal hours for that pay cycle. A 'full time' employee is considered to be in an unpaid status if the employees work hours and/or use of paid leave is less than 20 hours per work.

RESPONSIBILITIES

All Employees are expected to:

- a) Comply with the medical leave policy
- b) Request medical leave only when necessary
- c) Be responsible for knowing when their leave ends and reapplying if necessary
- d) Reapply for medical leave, if necessary, prior to the lapse of initial leave
- e) Provide requested documentation

All Department Heads are expected to:

- a) Receive medical leave request and manage the timelines for approval
- b) Fairly evaluate medical leave requests
- c) Practice equity when recommending approval of medical leaves
- d) Forward information to the HRD Director in a timely fashion
- e) Communicate the decision to the employee in a timely fashion
- f) Maintain employee confidentiality

The Human Resource Development Director is expected to:

- a) Confer with the Department Head regarding medical leave requests
- b) Provide a recommendation to the Town Manager in a timely fashion
- c) Arrange a Return to Work evaluation for employees who are returning to work after a medical leave that involves their own health condition

All Human Resource Development staff members are expected to:

- a) Assist employees who are requesting medical leave
- b) Assist employees who attempting to retire, or transfer to another position upon return from medical leave
- c) Help resolve disputes regarding the policy
- d) Engage in an interactive process if the employee requests work accommodations in order to return to work
- e) Help maintain employee confidentiality

APPENDICES

None

FREQUENTLY ASKED
QUESTIONS

None

SCOPE

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI below, **Related Information**.

RELATED
INFORMATION

None

POLICY HISTORY

Adopted December 1, 2012

The Medical Leave policy was created in 2012 as part of the Policy and Procedures Improvement Project. Its content is based on the former **Leave without Pay** policy, which was eliminated and replaced by the **Medical Leave** and **Leave of Absence** policies.

Updated July 1, 2017 to include:

- a) Policy name change
- b) Clarification of process
- c) Change to allow HRD Director to approve leave of less than 30 days
- d) Added section on approved medical professionals
- e) Added section about recertification

As of July 1, 2017 this policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI Related Information. In the event of any disparity between this policy and the Town's Code of Ordinances and/or applicable local, state, or federal laws, the Town's Ordinance and/or applicable laws shall prevail.