



CITY OF PROVIDENCE

5.4 Leave of Absence Policy

Applicability

This policy applies to all full-time, regular employees of the City of Providence.

Purpose

The purpose of this policy is to inform employees of the City of Providence of the leaves of absence available to them for reasons related to medical care for themselves or qualifying family members, the birth or placement of a new child in their home, military service, and other purposes, as well as the associated eligibility and certification requirements. This policy will also outline the general procedures and expectations for leave administration at the City of Providence.

Policy

The City of Providence administers several leave policies with differing eligibility criteria and certification requirements. Leaves of absence may be approved under one of the following policies, or under multiple leave policies concurrently when applicable:

- Family and Medical Leave Act (FMLA)
- Rhode Island Parental and Family Medical Leave Act (RIPFMLA)
- Paid Parental Leave
- Sick Leave Extension
- General Leave of Absence
- Military Leave in accordance with USERRA

Leave Administration:

Leaves of absence are administered by the City of Providence's Department of Human Resources. This policy, necessary forms, and other information regarding the leaves of absence available to City employees can be found on the Human Resources website at <https://www.providenceri.gov/hr/employee-leaves/>. Employees may also contact the Department of Human Resources directly at hr@providenceri.gov to obtain information and forms.

- Employees must provide thirty (30) days' advance notice of the need for a leave of absence. If an employee fails to provide thirty (30) days' notice of foreseeable leave with no reasonable excuse, leave may be denied. If the need for leave is unexpected or unforeseen, an employee should provide as much notice as practical.
- Upon receiving the request for a leave of absence, the Department of Human Resources will review the request and respond notifying the employee of their eligibility for leave under the applicable law or policy.
- Employees who are eligible for a leave of absence will be provided with the appropriate form with which to certify their need for leave. The required documentation must be returned to the Department of Human Resources within fifteen (15) calendar days, or the request for leave may be denied.

- Upon receipt of the completed form, employees will be informed whether their request for leave has been approved or denied, whether additional information or clarification is needed, the duration of their leave in the case of an approval, and whether they will be required to present a fitness for duty certification prior to returning to work.
- Please note that all absences by employees that qualify for the Family and Medical Leave Act, or the Rhode Island Parental and Family Medical Leave Act shall be designated as such even if the employee does not request such leave.

Family and Medical Leave Act (FMLA):

The Family and Medical Leave Act (FMLA) is a federal law that provides employees with the right to an unpaid leave of absence in certain circumstances, and to be reinstated to their position, or an equivalent position at the conclusion of their FMLA protected leave of absence. Under the FMLA, employees may be entitled to up to twelve (12) weeks of unpaid, job protected leave during a twelve (12) month period. FMLA leave will run concurrently with other leave policies or workers' compensation benefits, as applicable.

To be eligible for leave under the FMLA, employees must meet the following criteria:

- Have been employed by the City for at least twelve (12) months.
- Have worked at least 1,250 hours in the previous twelve (12) months prior to the start of the requested leave.

To qualify for leave as FMLA under this policy, the leave request must be for one of the following reasons:

- An employee's own serious health condition.
- To care for an immediate family member's serious health condition. An immediate family member is defined as a parent, spouse, or child.
- The birth, adoption, or foster placement of a child in the employee's home, within one (1) year of the qualifying event.
- Any qualifying exigency arising out of the fact that the employee's son, daughter, or parent is a service member on covered active duty or call to covered duty status.

Employees who meet the above criteria may apply for up to twelve (12) consecutive weeks of FMLA protected leave, or alternatively may apply for intermittent leave, at a frequency and duration specified by their health care provider in writing.

When the need for leave is foreseeable, the employee must provide the city with thirty (30) days advance notice of the need to take FMLA leave, when it is possible and practical to do so. When the need for leave is unexpected, the employee must provide notice to the city as soon as possible and practical.

Each request for leave under the FMLA will require that the employee provide a Certification of Health Care Provider Form, fully executed by the employee's treating health care provider, or that of a family member for whom the employee will be providing care. Incomplete certifications will be returned to the employee and leave approval will not be granted until completed.

An employee approved for FMLA protected leave is required to discharge any accrued and available paid sick time. Once all available sick time has been discharged, the employee may choose whether to discharge available vacation or floating holiday time, or to go unpaid. An employee on an approved intermittent FMLA leave is required to discharge their accrued and available sick time in any increment that aligns with their intermittent FMLA usage. FMLA regulations specify that an employer must account for intermittent leave using increments

that aren't greater than the shortest amount of time used for other forms of leave (provided that period is no greater than one hour). The lowest time amount for the City of Providence would be 1-hour increments per the Collective Bargaining Agreement.

Rhode Island Parental and Family Medical Leave Act (RIPFMLA):

The Rhode Island Parental and Family Medical Leave Act (RIPFMLA) is a state law that provides employees with protections like those of the FMLA, but with some differences in eligibility requirements, qualifying reasons for leave, and entitlement available. Under the RIPFMLA, employees may be eligible for up to thirteen (13) weeks of unpaid, job protected leave during a twenty-four (24) month period. RIPFMLA leave will run concurrently with other leave policies or workers' compensation benefits, as applicable.

To be eligible for protected leave under the RIPFMLA, employees must meet the following criteria:

- Have been employed by the city for twelve (12) consecutive months.
- Be a full-time employee that works an average of thirty (30) hours per week.

To qualify for leave as RIPFMLA under this policy, the leave request must be for one of the following reasons:

- An employee's own serious health condition.
- To care for a family member's serious health condition. A family member is defined as a spouse, qualifying domestic partner, parent, parent-in-law, or child.
- The birth, adoption, or foster placement of a child in the employee's home within one (1) year of the qualifying event.
- To attend a child's qualifying school activities. Please note that this leave is limited to ten (10) hours in a twelve (12) month period.

Employees who meet the above criteria may apply for up to thirteen (13) weeks of RIPFMLA protected leave. RIPFMLA does not allow for the use of intermittent or reduced schedule leave; therefore, leave must be taken over a continuous period of time.

Certification requirements of RIPFMLA are the same as FMLA, and if both are applicable, FMLA and RIPFMLA will run concurrently. FMLA and RIPFMLA will also run concurrently with any other applicable leave, policy, or benefit which may be available.

An employee approved for RIPFMLA protected leave is required to discharge any accrued and available paid sick time. Once all available sick time has been discharged, the employee may choose whether to discharge available vacation or floating holiday time, or to go unpaid.

Paid Parental Leave:

Note: The Parental Leave Policy does not cover employees in a temporary position or who are represented by the Laborers' Local 1033, the Fraternal Order of Police, or Local 799 of the International Association of Fire Fighters Unions, and PPSD teacher or clerical unions. Please refer to your respective collective bargaining agreements for leave provisions specific to you. In addition, certain grant funded positions may not be eligible.

Paid Parental Leave is offered by the City of Providence to ensure that eligible new parents who are regular, full-time employees of the City have the opportunity to take up to six (6) weeks of paid leave to accommodate the birth, adoption, or foster placement of a child in their home.

To be eligible for Paid Parental Leave, employees must meet the following criteria:

- Employed as a regular, full-time employee of the city for at least one (1) full year, consisting of twelve (12) consecutive months.
- Must not have utilized any other leave entitlement during the previous twelve (12) months from their leave start date, not to include the routine use of vacation, sick, or floating holiday time.
- Must be in good standing with an acceptable performance record, as determined by the Chief Human Resources Officer.

To qualify for Paid Parental Leave, the leave request must be for the following reason:

- The birth, adoption, or foster placement of a child in the employee's home, within one (1) year of the qualifying event.

Employees who meet the above criteria may apply for up to six (6) weeks of Paid Parental Leave, which cannot exceed twelve (12) months following the date of birth, adoption, or foster placement. If the employee is eligible for FMLA or RIFFMLA, it will run concurrently with Paid Parental Leave. Leave may be requested on a continuous or intermittent basis, but in keeping with FMLA standards, an intermittent leave for bonding will only be approved with the explicit agreement of the employee's director and the Chief Human Resources Officer, to include an agreed upon frequency and duration of absences in writing.

The employee must apply for Paid Parental Leave thirty (30) days in advance of the qualifying event or as soon as it is practical.

Each request for Paid Parental Leave will require that the employee complete the Paid Parental Leave Application, to include medical or legal documentation to certify the birth or placement of a child in the employee's home. Incomplete applications will be returned to the employee and leave approval will not be granted until completed.

An employee approved for Paid Parental Leave must discharge all but two (2) weeks of paid time off prior to receiving any leave with pay under this policy. The two (2) weeks of paid time off can be any combination of sick, vacation, or floating holiday time. Regardless of when an application is submitted, any benefit provided under this policy will be based on the employee's paid time off balances as of their leave start date. Upon expiration of Paid Parental Leave, the employee may utilize their remaining balances of paid time off.

Sick Leave Extension:

Any employee represented by the Laborers' Union Local 1033 with at least five (5) years of continuous service, who contracts a serious illness, may be granted, with the approval of the Chief Human Resources Officer in consultation with their department director, an extension to their leave of absence, not to exceed ninety (90) days after discharge of all accumulated paid time off over the full term of their employment with the City of Providence.

Sick leave extensions are granted in thirty (30) working day increments and must be requested using the Sick Leave Extension Application, accompanied by a letter from the employee's treating health care provider stating the time the employee is required to be out of work. Any unused time in the 30 days granted will not be retained for future use. Following review by the employee's department director and the Chief Human Resources Officer, employees will receive notification of the decision on their Sick Leave Extension request as outlined above in leave administration.

General Leave of Absence:

Any full-time, regular employee may be granted a leave without pay, not to exceed one (1) year, for reasons of personal illness, disability, or other purpose deemed proper and approved solely at the discretion of the Chief Human Resources Officer. Except for employees on leave due to medical reasons, employees on unpaid leave of any nature shall not accrue sick or vacation time after twenty-six (26) weeks of unpaid leave.

Employees seeking a General Leave of Absence must complete a General Leave of Absence Application and return it to Human Resources. If the leave is medical in nature, employees are required to attach supporting medical documentation. The employee's director will complete their portion of the application and forward the completed form to Human Resources for final review, including approval or denial. Employees will then receive notification of the decision on their leave of absence request as outlined above in leave administration.

While on a General Leave of absence for a medical reason, it is mandatory to discharge all accrued and available paid sick time. Once all available sick time has been discharged, the employee may choose whether to discharge available vacation or floating holiday time, or to go unpaid. All decisions related to the use of paid time off must be outlined on the Leave of Absence Application. Overall, the CHRO has the final determination if an employee's available accrual balance is required to be used while on an approved General Leave of Absence.

Military Leave:

The City of Providence grants Military Leaves of Absence in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws that protect individuals with military commitments from detrimental employment decisions based upon those commitments. Military leaves of absence may be paid or unpaid leaves.

City Ordinance Section 17-95:

Officers and full-time employees who have been continuously employed for at least six (6) months and who by reason of membership in the active reserve forces of the United States or as members of the Rhode Island National Guard are ordered by the appropriate authority to full-time active duty and to attend full-time training activities shall be entitled to leaves of absence with pay during the actual duration of such activity but not to exceed fifteen (15) days in any one (1) year. Notwithstanding, after the completion of the aforementioned fifteen (15) days of paid military duty leave, and for as long as the employee is required by the appropriate authority to remain on full-time military duty leave, the city shall pay to the employee on a weekly basis an amount equivalent to the actual difference between the employee's then-current regular city salary (including, if applicable, all longevity pay benefits; and including any applicable salary increases that may take effect during the employee's military duty leave) and the amount of pay received by the employee for his/her military service, if said regular city salary is higher than the employee's military pay. Military leave shall not be deemed vacation leave.

Military Leave is defined as any time off that is provided to employees who are members of the National Guard or other reserve component of the United States Armed Services and who are called to active duty, attend scheduled reserve service, and/or temporary training duty.

Employees must give written or verbal notice along with, if available, a copy of the military orders to their supervisor and the Department of Human Resources at least two (2) weeks prior to the start date of the Military Leave of Absence when it is possible and practical to do so. Additionally, the employee is required to follow any standard departmental practice related to communication of upcoming leave.

Employees requesting more than fifteen (15) days of Paid Military Leave must also provide their supervisor and the Department of Human Resources with proof of their military salary, such as a Leave and Earnings Statement, to allow for calculation of compensation amounts in accordance with the City Ordinance.

Holiday Pay on Leave:

To be eligible for holiday pay, employees must work during the week that the holiday occurs or during the previous week. An employee may also be eligible for holiday pay if they are utilizing vacation time or bereavement time for at least one day during the week, or if on jury duty. For purposes of this policy, paid floating holiday time, or personal time will be treated the same as vacation time.

Employees who discharge paid sick time during the week of the holiday and the entire preceding week, will not receive holiday pay, even if they are on approved medical leave pursuant to the FMLA. In this circumstance, the employee will be paid sick time in lieu of any holiday pay, and such sick time will be drawn from their balance of accrued sick time.

If the employee is on an approved leave of absence and discharges paid vacation time, floating holiday time, or compensatory time, they will receive holiday pay. Employees on approved leave in an unpaid status during the entire week of the holiday and the entire preceding week will not receive holiday pay.

Reminder: Employees who are on approved FMLA/RIPFMLA, or any other leave of absence for their own health condition must discharge all of their paid sick time before utilizing any other form of paid time off. If paid sick time is exhausted, the employee has the option of utilizing other paid time off or converting to unpaid status.

Payments received under the Sick Leave Extension subheading of this policy are treated the same as sick time.

Protection from Discrimination:

A supervisor may not take any adverse action or otherwise discriminate against an employee or prospective employee who has an approved FMLA, or other City leave. A supervisor may not interfere with any rights provided by FMLA, including:

- Refusing to authorize FMLA leave.
- Discouraging an employee from using FMLA leave.
- Changing the essential functions of the employee's job to preclude the taking of FMLA leave.
- Reducing hours of work to avoid employee eligibility.

A supervisor may not discharge or discriminate against any person (whether or not an employee) because that person has:

Opposed or complained about any unlawful practice under the Act.

- Filed a charge or has instituted (or caused to be instituted) any proceeding under or related to the Act.
- Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the Act.
- Testified, or is about to testify, in any inquiry or proceeding relating to a right under the Act.
- Used FMLA leave.

Poster Requirement:

As an employer of 50 or more, we are required to post an enlarged version of attachment 1 (Notice to employees of Rights under FMLA) prominently where it can be readily seen by employees and applicants for employment. The poster and the test must be large enough to be easily read and contain fully legible text.