



RESOLUTION NO. 2022-09

**A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA,
AMENDING THE EMPLOYEE HANDBOOK; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, the City of Neptune Beach adopted a new Employee Handbook on November 7, 2022; and

WHEREAS, the new Employee Handbook adds a new Parental and Medical Leave Policy, which provides for three weeks of paid parental or medical leave to eligible employees; and

WHEREAS, the original intent was for the employee to use the paid leave first then begin utilizing their own accrued paid time off;

THEREFORE, BE IT RESOLVED, by the City of Neptune Beach City Council:

Section 1. Section 602 of the Employee Handbook be amended as shown on attached Exhibit A.

Done and adopted by the City Council of Neptune Beach, Florida, at the Regular Council Meeting held this 21st day of November, 2022.


Elaine Brown, Mayor

ATTEST:



Catherine Ponson, City Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


City of Neptune Beach Attorney

Exhibit A

Recertification

Under certain circumstances as provided by law, including, but not limited to situations in which the need or nature of the approved leave changes, the CONB may, in its sole discretion, require recertification of an employee's serious health condition.

Return to Work

If an employee's position is eliminated during their FMLA leave time, e.g. layoff, departmental restructuring, etc. the employee will not be entitled to return to his or her former or an equivalent position. Employee's whose FMLA leave was for their own personal medical condition must, prior to reinstatement, submit a medical certification to the City Manager's Office as to their ability to return to work, subject to a second medical opinion as deemed necessary by the CONB, or a third medical opinion as provided in the FMLA. Employees who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of his or her position, will be considered to have voluntarily terminated employment as of the date of the release. Employment will be terminated if an employee is not able to return to work at the end of the FMLA.

Substitution of Paid Leave

Employees must substitute all earned paid time off for unpaid FMLA leave. FMLA and any paid time off, run concurrently. The entire 12-week FMLA is not in addition to the paid leave, however, is any remaining portion after the paid leave time is subtracted. If an employee requires leave in excess of the weeks for which they are eligible, they will not be assured a position with the CONB upon their return.

Benefits during FMLA Leave

During the approved FMLA leave, the employee's coverage under the CONB's benefits will continue, but if the employee goes without pay, they must pay their share of any payroll-related deductions, if applicable. It is the employees' responsibility to make arrangements with the Finance Department to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave.

602 Medical and Parental Leaves

The CONB may provide a medical or parental leave of absence to eligible employees who wish to take time off from work duties for a medical-related leave for the employee, for the employee to care for the medical-related needs of an immediate family member, or for the birth, adoption, or foster care of a child. ~~Employees must first utilize all available paid time off, personal days, and compensatory time prior to being approved for a paid medical or parental leave.~~ Family and Medical Leave Act (FMLA) benefits will run concurrently with an approved medical or parental leave.

Employees in the following employment classification(s) may be eligible to request a medical or parental leave as described in this policy:

- Regular full-time employees

Medical Leave

Medical leave may be granted to eligible employees after one-year of continuous employment for their own serious health condition, or for the serious health condition of their immediate family member. Immediate family member is defined as spouse or domestic partner, parents and parents-in-law, children (natural, step, adopted) under 18-years old or 18 and over that is incapable of self-care, siblings, and grandparents and grandparents-in-law. A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- In-patient care, e.g. an overnight stay, in a hospital or other medical care facility (including any

- period of incapacitation or any subsequent treatment in connection with such in-patient care);
- A period of incapacitation of more than three consecutive full calendar days, and any subsequent treatment or period of incapacitation relating to the same condition that also involves treatment two or more times by a health care provider or under the supervision of a health care provider within 30-days of the start of the incapacitation, or treatment by a health care provider on at least one occasion within seven-days of the start of the incapacitation which results in a regimen of continuing treatment under the supervision of a health care provider;
- Any period of incapacitation due to pregnancy, or for prenatal care;
- Any period of incapacitation due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
- A period of incapacitation which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
- Any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacitation of more than three consecutive days in the absence of medical intervention or treatment.

Recognizing that an employee's leave needs are varied, the CONB provides two types of medical leave as described below:

- **An Employee's Serious Health Condition** - An employee may apply for a paid medical leave for up to three-weeks when needed for their own serious health condition. The employee may also request an additional three-weeks of unpaid leave followed by the use of up to two-weeks of the employee's available, but unused paid time off or personal days, or two-weeks of unpaid time off if no paid time off is available. Prior to the start of the three-week paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.
- **Serious Health Condition of an Immediate Family Member** - An employee may request up to three-weeks of paid leave with the expectation to use up to one-week initially and reserve the ability to use the remaining days over the next three-months as needed. Exceptions to this policy may be made depending on the circumstances and the leave must be pre-approved by the City Manager.

Parental Leave

Parental leave may be granted to eligible employees after one-year of continuous employment for time off for maternal and paternal partners for the birth, adoption, or foster care of a child. Recognizing that parental leave needs are varied, the CONB provides three types of parental leave as described below:

- **Parental Leave/Maternity, Adoption, or Foster Care** – An employee may request three-weeks of paid leave followed by the use of up to two-weeks of the employee's available, but unused paid time off or personal days, or two-weeks of unpaid time off, if no paid time off is available. In the event of an adoption or foster care situation, the primary caregiver will qualify for equal or like benefits. Prior to the start of the three-week paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.
- **Parental Leave/Paternity** – An employee may request up to three-weeks of paid leave with the expectation to use up to one-week initially and reserve the ability to use the remaining days over the next three-months as needed. Prior to the start of the three-weeks paid leave, the employee must provide their intended return date with their manager. Exceptions to this policy may be made depending on the circumstances.

Requesting a Leave

As soon as eligible employees become aware of the need for a medical or parental leave of absence, they should request a leave from the City Manager in writing. Requests for a medical leave or parental leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of the absence. The City Manager has the sole discretion to either approve or deny a medical or parental leave of absence. An employee may only apply for one medical or parental-related leave during any calendar year.

Benefits

During the approved medical leave or parental leave, PTO, personal days, holidays, and bereavement leave will be suspended and will resume upon the employee's return to active employment. Paid medical leave and parental leave run concurrent with family and medical leave and are not in addition to family and medical leave. See Policy #601 Family and Medical Leave Act (FMLA) for additional information. Health insurance benefits will continue in the same manner in which they were prior to the start of the leave unless the employee goes into an unpaid leave status. At that time, the employee is responsible for making prior arrangements with the Clerk-Treasurer's Office to pay for his or her portion of all payroll-related deductions.

Other Employment

An employee who is self-employed or accepts other employment or works for any another employer during a medical or parental leave must report such work immediately to his or her Supervisor, or the City Manager. An employee who works in one of the above capacities at any time during his or her medical or parental leave may be considered to have voluntarily terminated his or her employment as the date such employment began. Refer to Policy #110 – Outside Employment for additional information.

Return to Work

In the event that the employee returns to work at the end of the approved leave period, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the CONB cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, the CONB will assume the employee has resigned. The CONB will comply with federal and state laws regarding the use of medical and parental leaves of absence.

603 Personal Leave

The CONB may provide a leave of absence without pay to eligible employees who wish to take time off from work to fulfill personal obligations. Employees must first use all available paid time off and compensatory time prior to requesting a personal leave of absence. Employees in the following employment classification(s) may be eligible to request personal leave as described in this policy:

- Regular full-time employees

Eligible employees may request personal leave only after having completed one-year of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from the City Manager.

Personal leave may be granted for a period of up to 30 calendar days every one-year. If this initial period of absence proves insufficient, consideration may be given to a written request for a single extension of no more than 30 calendar days at the discretion of the City Manager. With the City Manager's approval, an employee may take any available paid time off as part of the approved period of leave. Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.