	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Paid Family Leave Policy	Date Adopted by Council :	07/01/2021

### **I. Policy**

The City of Hendersonville believes that strong families benefit both the local community and the workplace. For this reason, the City offers the family friendly option to its employees of Paid Family Leave for the birth of and bonding with a newborn, bonding with a newly placed child for foster care or adoption and to care for a child, spouse or parent with a serious health condition.

### **II. Purpose**


The purpose of Paid Family Leave is to allow up to six (6) weeks of paid leave to employees who have worked for the City for at least twelve (12) months. The Family Medical Leave Act (FMLA) provides unpaid, job protected leave for childbirth, adoption or fostering, for your own serious health condition for the medical needs due to a serious health condition of a covered family member but does not address the lack of income experienced by many employees during periods of necessary leave.

### **III. Scope**

This policy applies to employees in all benefit eligible positions. Other non-benefit eligible employees are not covered by the leave in this policy but are eligible for unpaid Family and Medical Leave if they meet the qualifying requirements.


### **IV. Definitions**

1. **Paid Family Leave** - The period of time of up to six (6) weeks of paid leave for care of a newborn; a child placed for adoption, foster care, or guardianship or to provide care of and necessary attention to a seriously ill or injured child under the age of 18 (unless the child is an adult and incapable of caring for themselves due to a disability), spouse or parent of the employee. Employees may be only approved for one qualifying event within a rolling twelve (12) month period.
2. **Qualifying Family Members** – Must have a serious health condition certified by their health care provider in order for the employee to qualify for Paid Family Leave. A

	<b>CITY OF HENDERSONVILLE</b>		
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serious health condition is defined as: an illness, injury, impairment, or physical or mental condition requiring inpatient care in a hospital, hospice, or inpatient/outpatient residential health facility, or continuing treatment or supervision by a health care provider.

3. **Child**- A biological, adopted or foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is under age eighteen (18) or age 18 or older and incapable of self-care because of a mental or physical disability at the time the leave is to commence.
4. **Parent**- Means any of the following: (1) the biological parents of a child; (2) adoptive, step or foster parents of a child; or (3) an individual who is a person standing or who stood in loco parentis.
5. **Person Standing In Loco Parentis** – Means a person who assumes day-to-day responsibilities to care for or financially support a child where the individual intends to assume the responsibilities of a parent with regard to the child. In the case of the employee, a person who had such responsibility for the employee when he or she was a child. A biological or legal relationship is not necessary
6. **Parent of Employee** – A biological, adoptive, step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a child. This does not include parents “in-law.”
7. **Spouse**- Legally married husband or wife.
8. **Benefit Eligible**- Full time and part time employees who are eligible for coverage and participation in the City’s benefit program in addition to legally mandated coverage.

	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Paid Family Leave Policy	Date Adopted by Council :	07/01/2021


## V. Organizational Rules

1. To qualify for Paid Family Leave, an employee must be a full time or part time benefited employee and have worked for the City for at least twelve (12) months from most recent date of hire.
2. Eligibility for Paid Family Leave expires twelve (12) months after the date of the following qualifying events:
  - Birth of a child of the employee;
  - The legal placement of a child with the employee for adoption, foster care or guardianship; or
  - The placement of a child with the employee for whom the employee permanently assumes and discharges parental responsibilities (in loco parentis).
  - In the event of the birth of a child or placement of a child, if both parents are employed by the City, each parent is eligible for six (6) weeks of Paid Family Leave.
  - The effective date of Medical Certification pertaining to the serious health condition of a child under the age of 18 (unless totally disabled and unable to care for themselves), spouse or parent.
3. An employee may receive Paid Family Leave for a maximum of six weeks within a rolling twelve (12) month period.
4. Paid Family Leave for the birth, adoption or placement of a child for foster care or legal guardianship can be used on an intermittent basis. If an employee utilizes only four (4) work weeks of the six (6) weeks provided for a qualifying event for the birth or placement of a child, the employee may be eligible to use the remaining two (2)

	<b>CITY OF HENDERSONVILLE</b>		
<b>Policy Name:</b>	<b>Paid Family Leave Policy</b>	<b>Date Adopted by Council :</b>	<b>07/01/2021</b>

workweeks for a different qualifying event for a serious health condition if that event occurred within the same twelve (12) month period.

5. Paid Family Leave to care for a family member's serious health condition may be used on an intermittent basis or run consecutively. If an employee utilizes only four (4) workweeks of the six (6) weeks provided for one (1) qualifying event, the employee may be eligible to use the remaining two (2) workweeks for a different qualifying event if that event occurred within the same twelve (12) month period.
  
6. An employee is eligible for Paid Family Leave only if the qualifying event certifies as a serious health condition on or after the effective date of this policy.
  
7. An employee will receive Paid Family Leave only after the qualifying event is certified as a serious health condition by a Healthcare Provider. The employee may use other paid or unpaid leave until the event is certified. Once the qualifying event is certified, the employee may begin using Paid Family Leave for the time absent from work for the remaining period of certification of the event.
  
8. After Paid Family Leave has been exhausted employees may use Compensatory Time, Vacation Leave or Sick Leave, Leave Without Pay, - to continue care for a newborn child, a child placed for adoption, guardianship or foster care, or to care for a seriously ill family member. Paid Family Leave cannot be paid concurrently with any other leave or any applicable Short Term Disability.
  
9. In the event that an employee's request for Paid Family Leave is denied, he or she may be eligible to use Leave without pay or to use paid time off (Compensatory Time, Vacation Leave or Sick Leave), provided that the conditions of those leave benefits are satisfied. Subject to normal approval process.

	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Paid Family Leave Policy	Date Adopted by Council :	07/01/2021

## VI. Procedures


1. When the event qualifies for Paid Family Leave, an employee may request leave within 12 months of the qualifying event.

To request Paid Family Leave, an employee must complete and submit a Family and Medical Leave (FMLA) Form and a Paid Family Leave Form 30 days prior to the leave when possible and specify the number of Paid Family Leave days/hours requested.

2. In addition to the FMLA Application Form, an employee must also submit supporting documentation that establishes the qualifying event for eligibility.

Supporting documents include, but are not limited to:

- Birth of child – A certificate of live birth or similar government issued document, listing the requesting employee as a legal parent;
- Legal placement of a child – A certified copy of a court order granting legal custody of the child to the requesting employee;
- In Loco Parentis – A notarized statement from the employee asserting that he or she is assuming and discharging the obligations of a parent to a child. The statement must include the age of the child, the degree to which the child is dependent on the employee, the amount of support, if any provided by the employee and the extent to which the employee exercises duties commonly associated with parenthood;
- Non-legal placement of a child – Two (2) official records establishing the employee as a named caregiver to the child (e.g. school enrollment, insurance records, or medical records); and documentation establishing the date when the placement occurred (e.g. insurance records and certificates of death).
- Completion of Health Care Provider for Family Member’s Serious Health Condition (FMLA) form to confirm the serious health condition of the ill family member and Caregiver status of the employee involved in the care of and necessary attention to the covered family member.

	<b>CITY OF HENDERSONVILLE</b>		
Policy Name:	Paid Family Leave Policy	Date Adopted by Council :	07/01/2021

3. The employee must submit FMLA and Paid Leave certifications to their department head for review and the department head or their designee will submit the forms to Human Resources.
4. The employee will be notified within five (5) business days of receiving the certification from a Healthcare Provider if the Paid Family Leave is approved. In addition, the employee’s supervisor and/or department head will be notified.
5. The employee’s supervisor must enter the appropriate leave code in the City’s timekeeping system for all time off during Paid Family Leave period.
6. Health Benefits- The City will continue to make contributions on behalf of the employee previously enrolled in a health plan with the city. The employee and their dependents will continue to be covered as long as the employee pays for any required contribution. During the period of Paid Family Leave, all premiums will continue to be deducted from the employee’s paycheck.
7. Retirement- Retirement contributions and retirement service credit will continue to accrue during the Paid Family Leave period.
8. Accrual of Annual Leave and Sick Leave - Annual Leave and Sick Leave will continue to accrue during the period of Paid Family Leave.



# Paid Family Leave FAQ

What is [Paid Family Leave](#)?

- Six (6) weeks of paid leave to use for the birth, adoption and/or foster placement of a child or to care for the serious health condition of a spouse, child or parent.

Who is eligible?

- Benefit eligible employees who have been employed with the City at least twelve (12) consecutive months.

How do I qualify?

- The event must qualify for [Family & Medical Leave \(FMLA\)](#) .
- The qualifying event certifies as a serious health condition on or after the effective date of the policy.
- The employee must complete both [FMLA](#) and [Paid Family Leave Request forms](#).

Who do I contact regarding completing the FMLA and Paid Family Leave Request forms?

- Employees should inform their Supervisor and contact Human Resources

How much leave may I use?

- Employees may use up to six (6) weeks of Paid Family leave
- In some cases additional accrued leave or unpaid leave with FMLA job protection may continue after the six (6) weeks of Paid Family Leave.
- Paid Family leave and FMLA run concurrently.

What events qualify for the Paid Family Leave?

- The birth, adoption, or fostering of a child.
- To care for the serious health condition of a spouse, child or parent.

How often can I use Paid Family Leave?

- Employees can use a maximum of six (6) weeks within a rolling twelve (12) month period.

Can Paid Family Leave be taken intermittently?

- Yes.

Can I use Paid Family Leave for multiple caregiving events?

- Yes. The maximum amount of Paid Family Leave that can be used during a rolling twelve (12) months is six (6) weeks. The six (6) weeks may be used for more than one event.

What if both parents work for the City?

- Both parents may be eligible for six (6) weeks of Paid Family Leave.

Will Paid Family Leave count toward my annual FMLA entitlement?

- Yes, when applicable. In most situations, the absence would meet the definition of a serious medical condition that is required by FMLA. If you are eligible and your absence qualifies for FMLA, your absence will be deducted from your 12 week FMLA entitlement.

What happens if my Paid Family Leave is denied?

- The employee may be eligible to use leave without pay or to use other accrued leave.