

## Family Medical Leave Guidelines

The NYC Department of Personnel has issued interim guidelines and procedures on the Family and Medical Leave Act of 1993. The FMLA entitles eligible City employees to 12 weeks of leave in a 12 month period for Child Care leave and for the serious illness of the employee or covered family members. Several issues are still under discussion with Unions including the inclusion of domestic partners under the City's definition of family member.

In order to qualify for FMLA leave, an employee must have worked for the City at least 12 months, which need not be consecutive. If any employee is on payroll for any part of the week, the week counts as a week of employment. To be eligible the employee also must have logged 1,250 hours over the 12 month period immediately preceding the start of the leave.

Under the City guidelines City employees must exhaust all their accumulated sick and annual leave balances which can be used concurrently with FMLA leave. For instance in the case of personal illness, all paid sick leave must be used and counted against the 12 week FMLA leave entitlement. Once sick leave is exhausted then annual leave charged to sick must be used and the annual leave used will also be counted against the 12 week FMLA entitlement.

When all available leave balances have been used, then FMLA becomes leave without pay and health benefits will continue under the Special Leave of Absence Coverage (SLOAC) for the remaining 12 week period.

Similarly, all paid annual and compensatory time balances must be used concurrently and counted as FMLA leave if absence is for any other FMLA qualifying purposes (Child Care, care of a family member). When leave balances are exhausted FMLA becomes leave without pay and health benefits continue under SLOAC for the remaining 12 week period.

Department of Personnel has issued various FMLA forms which include DP2494 - "Request for Leave under the FMLA" which an employee should try to submit at least 30 days in advance of leave (DP2494 also provides "Facts you should know" pointing out to the employee specific obligation of the employee and the consequences of the failure to meet these obligations, as well as, certain obligations of the employee.)

DP2495 - "Child Care Leave Certification under the Family and Medical Leave Act" to be used to certify Child Care Leave.

DP2496 - "Certification of Physician or other Health Care Provider." Medical documentation to support a request for FMLA leave when a serious health condition is involved for either employee's personal illness or family member's illness.