

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	<p style="text-align: center;">Distribution</p> <p style="text-align: center;">ALL PERSONNEL</p>	<p style="text-align: center;">General Order Number</p> <p style="text-align: center;">8.06</p>
		<p style="text-align: center;">Original Issue Date</p> <p style="text-align: center;">2/18/20</p>	<p style="text-align: center;">Reissue/Effective Date</p> <p style="text-align: center;">4/19/20</p>
<p>Order Title:</p> <p>FAMILY MEDICAL LEAVE ACT (FMLA)</p>		<p>Accreditation Standard: POSTC: 1.2.7(a)</p>	<p style="text-align: center;">Section</p> <p style="text-align: center;">8</p>
		<p>Section Title</p> <p>PERSONNEL</p>	
<p>Rescinds:</p>		<p>Armando J. Perez, Chief of Police</p>	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

To establish a written directive, which provides a uniform procedure for requesting and reporting the Bridgeport Police Department personnel utilizing the provisions of the Family Medical Leave Act (“FMLA.”)

II. POLICY

The Family Medical Leave Act of 1993 entitles eligible members up to 12 weeks of paid or unpaid family/medical leave (in a 12 month period beginning with the date an employee starts a period of FMLA leave) for specified family and medical reasons. The FMLA does not diminish any contractual rights or reduce existing leave of absence benefits exceeding the 12 week mandated leave. Therefore, except as expanded by the FMLA, all existing department leave policies remain in effect.

The City of Bridgeport Labor Relations Department will review all written requests for a member’s own medical purposes or written requests for family purposes and make a determination of whether the leave being sought qualifies as FMLA leave. The Director of the Labor Relations Department, as the Chief of Police’s designee, will make the final determination of a FMLA approval. If the leave is determined to qualify under FMLA, the leave cannot be denied under any circumstances.

Any absence designated as FMLA leave may not be considered for the purposes of sick time counseling or disciplinary action. Additionally, such absences shall not be considered for the purposes of determining if one qualifies for a perfect attendance award.

III. DEFINITIONS

Child: means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis (the type of relationship in which a person has put themselves by assuming and discharging the obligations of a parent to a child. It exists when an individual intends to take on the role of a parent), who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

Health care provider: means (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (B) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (C) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; (E) any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; (F) a health care provider as defined in subparagraphs (A) to (E), inclusive, of this subdivision who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or (G) such other health care provider as the Labor Commissioner determines, performing within the scope of the authorized practice.

Parent: means a biological parent, foster parent, adoptive parent, step-parent, or legal guardian of an eligible employee or an eligible employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Serious health condition: means an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider.

IV. PROCEDURE

A. Introduction

Family Medical Leave under this directive may be taken for one or more of the following reasons:

1. Upon the birth of a son or daughter of the employee;
2. Upon the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition;
4. Because of a serious health condition of the employee; or

5. In order to serve as an organ or bone marrow donor.

B. Notice

1. If the need for family/medical leave is foreseeable, a member must give the department at least thirty (30) days prior written notice. If this is not possible, the member must at least give notice to his or her immediate supervisor as soon as practicable (within one to two days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delay of leave.
2. Additionally, if a member is planning medical treatment, the member must consult with the department first regarding the dates of such treatment. The required department forms to be utilized are available on the Department's Intranet (K Drive).
3. If the need for family/medical leave is not foreseeable, the member must give notice as soon as practicable by contacting his/her immediate supervisor. The member must explain the reasons for the requested leave in order for the supervisor to determine if the leave qualifies under the FMLA.
4. In many instances, members will not refer to FMLA per se. It is the responsibility of the supervisor to obtain the pertinent information to determine whether an absence is an FMLA qualifying event.
5. Department personnel must give notice to his or her immediate supervisor as soon as practicable (generally, within two business days) if the dates of leave change, i.e., leave beginning earlier or later than anticipated, or are extended or were unknown initially. The notice shall be in writing on a 9 x 12 report.

C. Medical Leave

1. An employee with an approved FMLA due to the birth or adoption or foster placement of a child will use all paid vacation, personal and compensatory time, but their sick leave, and then will be eligible for unpaid leave. A female employee using leave for the birth of her child may use paid sick leave for the physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case-by-case basis.

D. Family Care

Department personnel are entitled to up to twelve weeks FMLA for the care of a family member classified as a covered relative in a twelve-month time period. An employee with an approved FMLA due to the serious health condition of a parent, spouse or child, will use all paid vacation, personal and compensatory time, but their sick leave, and then will be eligible for unpaid leave.

E. Medical Certification

1. If a member is requesting leave because of his/her, or a covered relation's, serious health condition, the member and the relevant health care provider must supply appropriate medical certification. Medical certification forms are available from the City of Bridgeport's Labor Relations Department, who will notify the Police Department.
2. When requesting leave, the Department will notify the member of the requirement for medical certification and when it is due. If a Department member provides at least thirty (30) calendar days' notice of medical leave, the member shall also provide the medical certification before the leave begins. Failure to provide requested medical certification in a timely manner might result in denial of leave until it is provided.
3. The Department, at its expense, may require an examination by a second health care provider designated by the department, if it reasonably doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the department, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.
4. The Department may require subsequent medical recertification. Failure to provide requested certification within fifteen (15) calendar days, except in extraordinary circumstances, may result in delay of further leave until it is provided.
5. If it is not practical under particular circumstances to provide the requested certification no later than the fifteen (15) calendar days after the date requested, the member must provide the medical certification within a reasonable period of time under the circumstances involved, but no later than thirty (30) calendar days after the initial request. The failure to provide medical certification as requested will result in the member being carried as absent without leave. An absence without leave for a period of five consecutive days shall be deemed a resignation.

F. Benefits

1. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay the required contribution as specified in the employee's union contract. This payment shall be made either in person or by mail to the City of Bridgeport's Payroll Department by the first (1st) day of each month as payment for that month. If the employee's payment is more than 30 days overdue then the City will discontinue the coverage.

2. If an employee informs the City that he/she does not intend to return to work at the end of the leave period, the City's obligation to provide health benefits ends. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

G. Intermittent Scheduled Leave

1. In certain cases, intermittent use of the twelve weeks of FMLA or a part of a reduced workweek may be allowed. An employee will need to discuss and gain approval for such use from their department head and the Director of Labor Relations.
2. Employees may also use FMLA intermittently or as part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the Director of Labor Relations.
3. In some cases, the City may temporarily transfer an employee using intermittent or a reduced workweek to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

H. Posting Notice

1. A notice describing the provisions of the Family Medical Leave Act must be posted in a conspicuous location within the Department. The form can be accessed via the Department of Labor's website at <http://www.dol.gov/whd/regs/compliance/posters/fmla.htm>

I. Department Designated FMLA Leave

1. When a Department member notifies a supervisor of the need to utilize leave benefits for him or herself, or a family member that appears would be for an FMLA purpose, i.e., a member is hospitalized, has a serious health condition, or a covered relative has serious health problems, the responsibility lies with that supervisor to notify the member that the leave will be preliminarily designated as FMLA qualifying leave and designate it as such.
2. If the member does not provide sufficient information for the supervisor

to make a determination as to whether the reason for leave qualifies, the supervisor shall make further inquiry to ascertain the information. If it is determined that the absence qualifies as an FMLA absence, the City of Bridgeport Labor Relations Department will provide a Request for FMLA form, Medical Certification form, and other required documents to the member. Additionally, the supervisor shall ensure that the Chief of Police is notified by telephone no later than the following business day and is provided written documentation concerning the member's preliminary status (i.e., fax, department mail, email, hand delivered). Written notice shall be provided to the Department member and the member's command once it has been determined that the leave qualifies under the FMLA.

J. Return to Work

1. When a member returns to work from an FMLA approved absence for his or her own serious health condition, the department may require a Fitness for Duty Certification from the member's physician. The necessary paperwork is available at the Labor Relations Department. Members will obtain the paperwork, complete it, and return it to Personnel.
2. When a probationary member is on FMLA leave for more than thirty (30) calendar days, the Department's Command Staff will determine whether the member's probationary period should be extended to cover the member's period of absence from the department.

K. Failure to Return

1. If a Department member fails to return to work after a period of five consecutive days after the expiration of an approved FMLA leave, the absence shall be deemed a resignation. FMLA regulations provide that if a member does not return to work after an unpaid FMLA absence during which the City maintained health care benefits, the City can take steps to recover the costs of the premiums paid by the City for such benefits. Exceptions are when the failure to return to work is due to a continuing serious illness of the member, the immediate family, or for special circumstances beyond the control of the member which prevent him/her from returning to work. In such cases a request to the Chief of Police for a medical leave of absence shall be completed and forwarded through channels. No recovery of insurance premiums can be made for a paid absence.

L. Record Keeping

1. Any records and documents relating to medical certifications, recertifications, or medical histories of members, or their family members, shall be maintained in separate files and treated as confidential medical records. FMLA related records and approved requests for sworn personnel shall be maintained by the City of Bridgeport Labor

Relations Department. Notifications sent from the Labor Relations Department to the Police Department will be kept in the Chief's office. Records relating to FMLA leave shall be retained for three years. All such records shall be available for inspection by representatives of the United States Department of Labor.