



MAYOR'S OFFICE
CITY OF BOWLING GREEN

**CITY OF BOWLING GREEN ADMINISTRATIVE
INSTRUCTION NO. 1**

**MEDICAL LEAVES, TRANSITIONAL/MODIFIED WORK ASSIGNMENTS, AND MEDICAL
EXAMINATIONS**

These administrative instructions clarify City policy with respect to medical leaves of absence, transitional/modified work assignments, medical examinations, and insurance premium payments when non-bargaining employees suffer debilitating illnesses or injuries that are not work-related or they are required to care for a spouse, child, mother, father, sister, or brother who remains, sick, injured, hospitalized, or in a state of recovery therefrom.

INSTRUCTIONS

MEDICAL LEAVES OF ABSENCE WITHOUT PAY

If an employee remains sick, injured, or hospitalized, or in a state of recovery therefrom or is required to care for a spouse, child, mother, father, sister, or brother who remains sick, injured, or hospitalized, or in a state of recovery therefrom, after all accrued but unused leave time and Family Medical Leave due such employee is exhausted, the employee may be granted a medical leave of absence without pay for a non-duty related personal injury or illness or for the purpose of caring for a sick or injured spouse, child, mother, father, sister, or brother. Leaves of absence without pay for medical reasons may be granted by the Municipal Administrator for a period not to exceed six (6) months depending upon the specific facts of the case. Extension beyond six (6) months will require the Mayor's personal approval.

Medical leaves of absence without pay that are taken following the employee giving birth to a child may be granted for the period of time requested by the employee. However, a medical leave for this reason shall not exceed three (3) months. Furthermore, the three (3) month time period shall first include any Family Medical Leave to which the employee is eligible, whether in a paid or unpaid status, and any other paid leave to which the employee is eligible. For more information on Family Medical Leave employees should consult Administrative Instruction No. 33.

Employees or their designees are responsible for submitting written, signed, and dated requests for medical leaves of absence without pay to the Municipal Administrator and/or Mayor. Barring extenuating circumstances, which will be reviewed on a case-by-case basis, such requests must be submitted prior to the start of the medical leave of absence without pay.

If a medical leave of absence without pay has been granted by the Municipal Administrator, the City will pay for its portion of any medical and dental insurance premiums falling due within the thirty (30-) day period following the complete exhaustion of any time due to the employee. After the expiration of that thirty- (30-) day period, the employee may continue to be insured under the City's group medical and/or dental plan during the period of the medical leave of absence without pay provided the employee assumes responsibility for premium payments.

If the employee fails to return to work after the medical leave of absence without pay has been exhausted, his/her employment may be terminated.

MEDICAL LEAVES FOR THOSE EMPLOYED LESS THAN 12 MONTHS NOT ELIGIBLE FOR FML

Employees, who have been employed by the City for fewer than 12 months, are not eligible for Federally mandated Family and Medical Leave (FML), as established by Federal law and reflected in City policy. However, if such an employee requires leave for medical/family reasons similar to leaves permissible under FML, they will be treated similarly to those employees who are eligible for Family and Medical Leave. This leave shall not extend beyond twelve weeks in that employee's first twelve months of employment. Employees will be required to use all his/her paid leave, vacation and sick leave, before unpaid leave is permitted. The reasons for the leave must be the same as those established in the Family and Medical Leave law/policy. Submission of requests for such leave and medical documentation, shall be the same as is required for FML. Furthermore, continuation of benefits shall be the same as the continuation of benefits for those employees who are eligible for Family and Medical Leave. Once the twelve weeks is exhausted then the employee may be eligible for an unpaid medical leave of absence as outlined further in this policy.

TRANSITIONAL/ MODIFIEDWORK ASSIGNMENT

When an employee becomes physically incapacitated (due to a non-duty related injury or illness) for the performance of normal duties of his/her position as determined by the appropriate medical authority, the employee should first use accumulated but unused sick leave. In accordance with the City's "Family and Medical Leave Policy," sick leave taken for this purpose shall count toward an eligible employee's annual entitlement to 12-weeks of Family and Medical Leave. Eligibility for Family and Medical Leave is defined in Administrative Instruction No. 33.

If the employee is unable to perform his/her normal duties as determined by a medical authority, the employee may be temporarily placed into a position which is less strenuous, if one is available, for a period of time not to exceed three (3) months. Depending upon the facts in each individual case, the Municipal Administrator may extend the temporary transitional/modified work assignment for not more than three (3) additional months. Employees are required to request consideration for a transitional/modified work assignment themselves. In order to be considered for a

transitional/modified work assignment employees will be required to sign a medical release so that the City may contact the employee's physician(s) about the type of work duties that the employee may perform.

The affected division head or his designee, following consultation with the Human Resources Director, shall decide on a case-by-case basis if there are transitional/modified work assignments available within the division that fall within the restrictions that the employee has been placed under by their physician(s.) The distribution of transitional/modified work assignments and/or refusal to establish a transitional/modified work assignment is solely the decision of the division head or his designee, and such decisions shall not be grievable. While participating in a transitional/modified work assignment the employee will be paid at his/her current hourly rate of pay.

If no transitional/modified work assignments are available then the employee must remain off work pursuant to a release from his/ her physician(s) that he/she can perform his/ her full duties or until such time as a transitional/modified work assignment occurs which meets the physical restrictions/limitations of that employee. During this period of time the employee will have to use other accrued leave time, such as vacation, personal business, and compensatory time, in order to remain in a paid status.

Transitional/modified work assignments for work-related illnesses and injuries shall take precedence over non-duty related illnesses and injuries. An employee, who is working in a transitional/modified work capacity because of a non-work-related illness or injury, may be displaced from that transitional/modified work assignment if the City needs to place another employee, who has a valid work-related illness or injury, into a transitional/modified work assignment.

Prior to any employee being temporarily placed into a transitional/modified work assignment because of an off-duty injury or illness, the employee must provide to the City both a release signed by his/her physician(s) that the transitional/modified work assignment meets the requirements of the physical restrictions that the doctor has placed on the employee and a specific listing of the physical restrictions under which the employee is released to work. The purpose of the physician's release and physical restrictions listing is to ascertain if the employee is physically capable of performing the duties required of the transitional/modified work assignment. While working in a transitional/modified work capacity the employee must provide to the City a release from his/her physician(s) establishing the current physical restrictions under which the employee is released to work. An updated physician's release must be submitted every two weeks.

If at the end of the transitional/modified work assignment and/or complete exhaustion of all accumulated leave time and/or Family Medical Leave the employee is still unable to perform the normal duties of his/her position, an extension of the transitional/modified work assignment will not be granted and employment with the City may be terminated.

MEDICAL EXAMINATIONS

The City may require any employee returning from sick leave or injury leave to submit to a physical examination, pertaining to the injury or illness by a doctor of the City's choosing at the City's expense when the City reasonably believes that the employee is physically unable to perform assigned duties. In the event that the employee's physician and the doctor chosen by the City are unable to agree that the employee is capable of performing the essential functions of his/her job classification, the two (2) doctors shall select a third doctor to examine the employee. The decision of the third doctor concerning the capability of the employee to perform the essential functions of the job shall be binding on the City and the employee.

 12.9.21

Mike Aspacher, Mayor Date