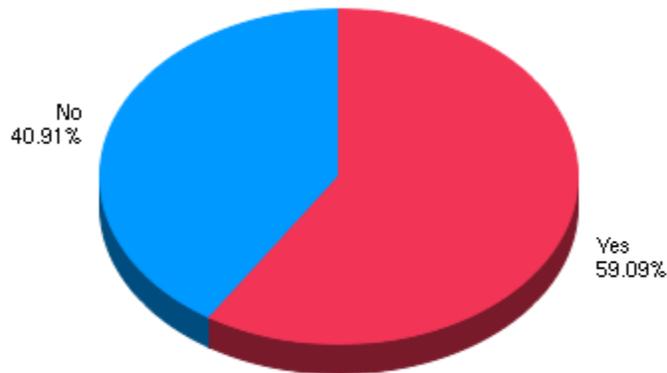


FMLA and Extended Leave of Absence Survey for the City of Knoxville Response Summary Report February 14, 2011

Questions 1-3 cover contact information, total number of employees in city, and requests from participants to have a copy of the results.

4. Do you have a written policy regarding continuation and/or termination of employment if an employee remains off work after the expiration of FMLA?



Item	Count	Percent %
Yes	13	59.09%
No	9	40.91%

5. Under what circumstances do you allow someone to continue to stay out of work upon expiration of FMLA?

Open Text Responses:

LEAVE WITHOUT PAY

Leave of absence without pay may be granted for personal reasons for periods beyond those allowable with pay provided the Department Head is willing either to allow the position from which

leave is taken to remain vacant or to fill such position by temporary appointment until the expiration of such leave. No leave of absence without pay shall be granted to any employee to accept other employment. With the exception of military leave, accrued annual leave must be exhausted before an employee goes on leave of absence without pay.

Any regular employee who wants to be granted a leave of absence without pay for personal reasons such as a protracted illness extending beyond sick leave coverage, personal business, or travel shall submit a written request to the Department Head stating the reason for the request, the preferred date for the start of the leave, and the probable date of return.

Any employee may, at the discretion of the Department Head, be granted leave without pay which shall not exceed ten (10) working days for any reason. A copy of the request for leave of absence shall be sent to the Civil Service Department for placement in the employee's permanent personnel file along with the appropriate Employee Action Form.

Leave without pay in excess of ten (10) working days must be requested, in writing, through the Department Head to the Civil Service Director and must be approved by the Mayor. After approval, a copy of the request for leave of absence shall be placed in the employee's permanent personnel file.

In cases of extreme need and/or hardship, leaves of more than ninety (90) days may be considered on an individual basis by the Department Head and the Mayor. The employee request shall be considered when the employee has shown by his/her record to be of more than average value to the City and where it is desirable to retain the employee even at some sacrifice on the part of the City. Maximum approved leave of absence will be for twelve (12) months. At the expiration of the leave without pay, the employee shall have the right to, and shall be reinstated to, the position he/she vacated if the position still exists or any other vacant position in the same class.

Employees are expected to return to work at the end of their approved leave. Failure to do so can constitute automatic termination.

Employees on leave without pay do not accrue leave, pension, or health benefits.

They can continue to stay out of work as long as they have not exhausted their paid sick or vacation leave time and have documentation from their physician.

If the employee remains in contact with the Human Resources Department, additional leave time can be granted. Should the employee not remain in contact with the Human Resources Department during and at the end of FMLA, it is presumed the employee has resigned.

If the employee has used all FMLA but still has paid sick leave or vacation hours remaining.

Under the guidelines within our adopted Rules and Regulations, "Leave of Absence Without Pay." This leave may be granted for up to 26 weeks and runs concurrently with FMLA. A "Leave of Absence Without Pay" is on a case-by-case basis and is granted at the discretion of the City Manager. The additional leave may be granted for cases of "sickness, disability..."

We have city-paid long-term disability insurance that will allow an employee to remain on payroll after FMLA is exhausted, until he/she is eligible for social security disability or regular retirement. We keep the employee on employee insurance until they are eligible for Medicaid/Medicare or retirement health insurance.

Dept Head recommendation with documentation of good performance and attendance.

For non work related absences, they can remain off as long as they have earned but unused leave available . For work related absences, until MMI.

The city has a written policy that says that once an employee has exhausted their 12 weeks of approved FMLA Leave, they are entitled to 30 days of extended leave approved by the City Manager.

We have an unwritten practice that we allow employees to take an additional 60 days on top of the

30 day (in accordance to the written policy), which is an over-all total of 90 days.

Our thoughts on this was that it would give an employee a total of 6 months to return back to work.

If the employee is unable to return back to work after 6 months at normal duties then his or her position will be terminated.

Upon recommendation of the Director and with appropriate approval leave without pay may be granted because of disability, sickness or other sufficient reasons. Directors shall ensure that LWOP will not be detrimental to the department of other employees and the director will discuss whether the employee shall be entitled to his previous position upon return, or to another position, when available. LWOP shall not be granted to allow an employee to engage in private business or to accept outside employment.

The City Council must approve with a written recommendation from the Department Head and the City Manager

Based upon medical documentation provided by the employee that there is an expected return to work date. Discussion occurs with the employee after each doctor's visit. Ours is looked at on a case by case bases.

It is my understanding that it has never happened here. My conversation with the City Manager is that we would not terminate.

Approved leave of absence without pay, worker's compensation, short term disability, and if employee still is receiving pay from leave balances.

Qualify for extended leave pursuant to City Personnel policies

It is reviewed on a case-by-case basis. We are not required to keep them employed after they run out of time.

An employee unable to return to work after taking all leave in accordance with the FMLA, may request additional leave with proper medical certification of a serious health condition. Due to our business needs to maintain proper staffing, the maximum additional leave normally allowed will be no more than three calendar months. However, as a reasonable accommodation a qualified employee with a disability who is unable to return to work after having exhausted the additional three calendar months, may be offered a brief extension of time to return to work depending on the business needs and the expectation of when the employee may be able to return to work.

Our policy allows an sick/disabled employee to be on leave during the six months that they qualify for Short Term Disability. After 6 months, they would qualify for Long Term Disability and at the point their employment is terminated.

If the employee is due to come back to work shortly after.

If employee cannot return to full duty upon expiration of FMLA, the employee may be subject to termination. The City would determine if the best interest of both the city and the employee would be served by returning the employee to approved light duty for a specified period of time.

We have never had anyone use the full twelve weeks of FMLA. During FMLA our employees are using their accrued leave. Our Personnel Plan provides that the City Manager may grant six months of leave without pay if it is in the best interest of the City.

continued illness

6. Do you handle absences beyond FMLA differently if the absence is due to a work related injury?



Item	Count	Percent %
Yes	19	82.61%
No	4	17.39%

7. Upon expiration of FMLA, what is your procedure if an employee has not returned to work and they have sick/ vacation time leave available?

Open Text Responses:
Currently we allow employees to remain on payroll in a paid status and their benefits continue.
They are put on regular sick or vacaiton leave. Must have documentation from their physician that they cannot return to work. If they can return to light duty, we try to accomodate them.
Continue to pay them until their sick/vacation time runs out.
As long as the employee has remained in contact with this office, the employee is allowed to continue to receiving sick/vacation time unless the employee is earning TTD under workers' compensation.
Sick/vacation leave is used under the FMLA. Our employees must exhaust all paid time.
They may use their leave until it is exhausted or they return to work.
They can continue to use available sick/vacation leave (in accordance with these policies) until exhausted. To use sick leave they would be required to provide medical certification that they cannot perform the essential job functions. Vacation leave could also be approved to cover additonal periods of disability.
Eligible employees shall have used all applicable leaves with payprior to submitting a request to be

placed in leave without pay status.

While the employees is exercising his or her benefit of the 30-90 day extended leave benefit they are required to use any and all accumulated leave benefits.

They must use their sick/vacation time before the council approval.

Employee is allowed to use their paid leave time.

We continue to pay them until all leave is exhausted.

Employees can continue to use sick & vacation time until balances are exhausted.

They may continue to use the accrued sick leave for up to six (6) consecutive months, after the six (6) months the employee MAY be placed on special leave without pay or terminated.

They can continue paid leave as long as there is a paid leave remaining

Employees may use their accrued paid leave.

If an employee has taken FMLA for other reasons than their own disability, they would be allowed to take any sick/vacatin leave that they have accrued and then would be terminated.

An employee can use any of their leave time after FMLA is expired until a decision is made if the employee will be returning to work soon or his/her employment will be terminated.

Employees having sick/vacation time leave available past expiration of FMLA will remain on payroll until such leave time expires.

As indicated above, our employees use their accrued leave when they are absent due to FMLA conditions. After the twelve weeks, they could continue to use their accrued leave - General and Emergency.

allowed to use

8. Upon expiration of FMLA, what is your procedure; if an employee has not returned to work and they do NOT have enough sick / vacation leave available to cover the extension?

Open Text Responses:

Upon expiration of FMLA and non-worker's comp., employees are placed on COBRA and responsible for their full premium benefits.

They could possibly be terminated if they have not returned within 12 months. Unless they are military and they receive 26 weeks FMLA.

Send the employee a letter stating that their FMLA time has expired and they no longer have sick/vacation time to cover. Their options are to return to work, or their position can not be held.

An employee can request an unpaid leave of absence which is why consistent communication is so critical.

we allow them to remain on payroll in an unpaid status.

A sick leave donation program is in place for those that exhaust their leave. When donated leave is exhausted, the employee is placed on leave without pay status.

Long term disability insuarance may be used based on the situation.

Termination of employment for non-work related absences. For work comp until employee reaches MMI.

See #7.

They would not receive pay from the city.

However, the city furnished the employees with the LTD (Long Term Disability Policy) Policy, that picks up on employee after he or she is out of work for 90 days, it picks up on the 91st day of a qualified illness/accident that is non-work related.

We hold their position open, hiring only a temporary employee, if the council approves the extension.

Employee is on unpaid status.

Leave without pay.

If on worker's compensation benefits continue. If not transition employee to Cobra. Continuation of employment is based on intent/ability to return to work.

The employee shall exhaust all accrued sick/vacation prior and that point if the employee still needs additional time off from work, the employee may request an "Unpaid Leave of Absence" from the City Manager. The Unpaid Leave of Absence shall only last for 26 weeks and runs concurrently with FMLA.

Under certain circumstances may qualify for special leave without pay.

Employees may request donated sick leave if eligible before entering a leave without pay status.

Termination

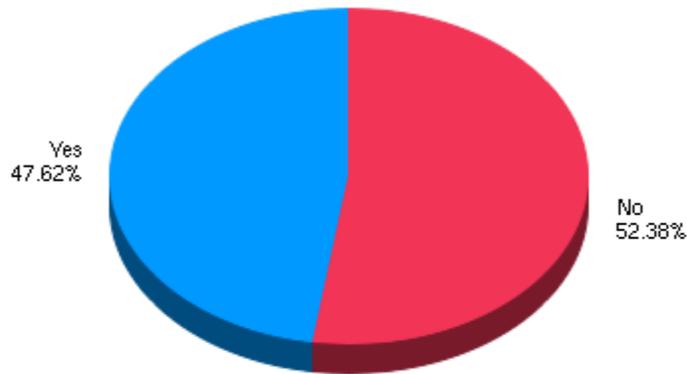
They are off on unpaid leave, they do not accrue any leave time and they have to pay their portion of their insurance premiums.

Restoration may be denied.

As indicated above, the City Manager may grant up to six months leave without pay if in the best interest of the City. We also have a leave sharing program and other employees could donate leave to the FMLA employee.

can be advanced additional sick leave not to exceed 30 days and then can be placed on a medical leave of absence for six months

9. Upon expiration of FMLA, do you transition the employee to COBRA if they are still out of work?

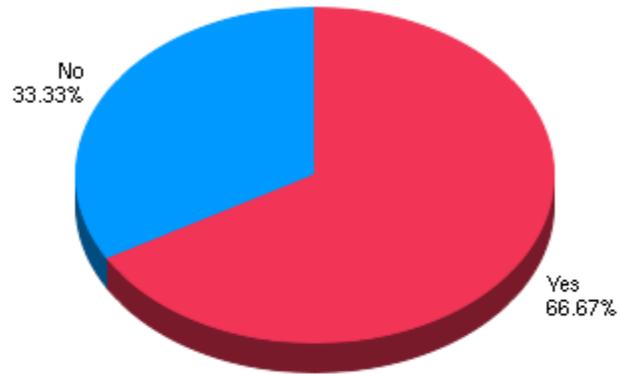


Item	Count	Percent %
No	11	52.38%
Yes	10	47.62%

10. What is the starting and ending date of COBRA? (i.e., first of the month following the change?)

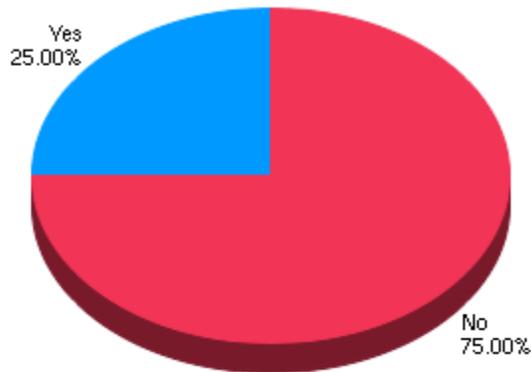
Open Text Responses:
First of the month follow change
First of the month following changes
If the employee is out of paid time and FMLA has expired, they are offered COBRA.
See #9 above. As long as employee is in paid status at least 80% of month they can remain in the group medical plan. upon exhaustion of leave time they are transitioned to COBRA on the first of month following change.
First month following the change
Date after paid leave expires.
First of the month following the change.
first of the month
First of the month following the change for the starting. The ending date would be the date they return to work, if applicable.
Cobra commences the first day of the month following the termination of employee.

11. Does this include a 2% admin fee?



Item	Count	Percent %
Yes	6	66.67%
No	3	33.33%

12. Do you still charge the employee the full (employer plus employee) rates for health insurance?



Item	Count	Percent %
No	9	75.00%
Yes	3	25.00%

13. Please explain:

Open Text Responses:
Once an employee is placed on a post-FML unpaid leave, the employee must pay his or her entire premium. Again, this doesn't apply to an employee on leave due to a workers' compensation injury.
We allow them to remain on employee insurance until they can transition to other health insurance coverage.
They pay the active full-time employee rate as if they were working.
It is the employee's responsibility to make proper arrangements for premium payments for insurance and other benefits. If proper arrangements are not made, insurance coverage and benefits will be dropped at the beginning of the next pay period.
N/A
City of Pigeon Forge at this time pays full premium for medical insurance on employee and family.
Paternalist approach toward employees and may be viewed by the court as favorable to us should the employment be terminated at a later time. Also is easier to track.

As long as they have not been terminated, they are still considered an employee and eligible for the employee discounted rate. They will need to make a payment for their portion.

Employees on an approved additional leave of absence are responsible for the employee portion of the premium.

Our employees only pay their portion of the medical insurance costs if they are in a leave without pay status.

Our six month loa includes benefits as if the employee was still in a paid status.

14. When an employee remains on leave after FMLA expires, what happens to them in your payroll system?

Open Text Responses:

If the employee has leave, they are paid for their leave and remain active on payroll

Itf they are still being paid by the City they remain on the regular payroll, otherwise they are listed as inactive.

They would be listed with sick or vacation pay.

They remain as active employees until we can no longer allow the unpaid leave to continue or until the employee resigns.

They are on unpaid status.

They remain in the payroll system.

They remain in payroll as long as they are in paid status. i.e. receiving sick/vacation pay. When exhausted, if they do not return to work they are removed from payroll system.

Leave without pay shall be reflected on the official payroll time sheets submitted by each department and employees on leave without pay status shall not accrue any vacation, sick leave or other leaves with pay, nor shall they be eligible for holiday pay.

We still leave them as active, because we continue to pay them holiday pay as it is earned.

Unless I am one hundred percent sure an employee is terminated from employment with the city his or her payroll record is not marked inactive in the payroll system.

Therefore there record will continue to come up each payroll process.

They do not get paid.

Our payroll system does track FMLA so there is not change to the employee for fmla purposes.

they remain active but are not paid.

Unpaid leave - benefits are halted

Paid leave - benefits continue, sick/vacation/comp time balances continue to be deducted

If the employee has exhausted all sick/vacation time and the leave has been approved by the City Manager, then the employee becomes "inactive" in the payroll system. However, if the employee has accrued enough vacation/sick leave and wishes to use that time, then the employee remains "active" in the system and continues to draw a payroll check.

Remain in the system in unpaid status (inactive)

They remain in an active status in the payroll system.
terminated
We put them on "inactive status"
If they have vacation and sick leave remaining, they are active employees until such leave expires.
We still track the employee and accumulate how much leave without pay is taken. This is used to know how much they owe us in insurance costs. Since our accrual system is based on working full pay periods, the employee on leave without pay does not accrue leave benefits and receives no pay for holidays.
they remain until terminated

15. What is the absolute longest you allow an employee to stay out of work upon expiration of FMLA regardless of sick/vacation balances?

Open Text Responses:
Maximum approved leave of absence will be for twelve (12) months.
not more than 12 months
One year.
Policy doesn't dictate - it's on a case-by-case basis. Sometimes, our 'hearts' rule
We keep them until they are eligible for other coverage other than COBRA.
There is no specified time period and is handled on a case by case basis.
Not time limited specific. It is a function of sick/vacation balance. Work comp is different and is a function of reaching MMI.
Not to exceed 12 months.
A total of 3 months and or 90 days following FMLA Leave.
one year
The two situations we have had resulted in an additional 3 months for one employee and 4 months for another. Neither employee returned to work.
Until they come back or qualify for disability.
Not specified in policy
14 weeks beyond FMLA if the employee is taking "leave without pay"
6 months (which runs concurrently with FMLA) if the employee is taking leave and using their accrued vacation/sick leave
no set amount
See answer to Question 5.
until their sick/vacation leave runs out.
This has only happened 1 time and we allowed the employee to stay off work for an additional 3 months.
Employees are allowed to exhaust sick/vacation leave balances regardless of time.

We have not faced this situation. If they still have leave available, they could still use it conditional upon propr medical evidence.

can't say as we have no limitations on sick leave accumulation

16. Do you hold positions open in the event someone cannot return to work when their FMLA expires?

Open Text Responses:

Currently some departments are in the position where they can hold a position while others need to fill the position and take action sooner.

Yes, if they will return in a reasonable amount of time and their absence does not cause a hardship on their department

Depends upon the position.

Yes.

Yes.

yes

yes

We hold position open until it is clear that an employee is not returning. Exceptions are possible depending on circumstance and with approval.

It depends on the circumstances and the critical nature of the position.

Yes, for the period of 3 months and or 90 days.

yes if council approves

Yes. Based on the knowledge we have of an employees situation, we keep in mind that the ADA may become part of the equation.

Yes, if they plan on returning. If they know they will not return, we might fill it.

Case by case

Typically, Yes.

We do hold the position open during FMLA.

See answer to Question 5.

no

no

It would depend on the position - if it is a supervisory position - it would be temporary filled. Manpower would be filled.

We have not faced this situation. It would in part depend on the position held. We might hire someone on a temporary basis with the understanding that the job would end when the regular employee returned.

17. What is your procedure for handling time off for employees who are new and not yet eligible for FMLA? (an example could be pregnancy for an employee who is not yet eligible for FMLA)

Open Text Responses:

Requesting this information from Civil Service.

They are put on unpaid leave. The time off is added to their 6 month probationary period. They are responsible for all insurance premiums and other deductions taken out of their pay check
They do not accrue any additional vacation or sick time while they are out on leave and not being paid.

Leave of absence if the employee has reached 90-days.

They can request an unpaid leave of absence.

We allow them to take unpaid leave.

They use their leave time. When exhausted, sick leave donation program applies. When this is exhausted, they go to leave without pay status.

Comply with FMLA and Tennessee Maternity Leave Act. If employees are not eligible for leave under these statutes and don't have sufficient leave balances they are terminated.

Only regular full-time and regular part-time employees who have satisfactorily completed six months of continuous acceptable service and are in good standing may request leave without pay because of disability, sickness or other sufficient reasons.

I'll just be honest with you we had a new employee who had a very serious vehicle accident and was injured really bad and he did not qualify for the FMLA Leave benefit. However, I gave it to him anyway, how could I not, he had a small new born baby, it was a terrible situation.

To say I should have or should not have, I don't know, but I guess I did set un-written policy by allowing his FMLA.

If they have no leave time, we do not hold their position open.

Our practice has been to grant time off of 30 days.

It would be up to the Department Head if they want to hold the job open.

Upon completing 6 months of employment employees can use sick & vacation & then request a leave of absence without pay/benefits. Prior to completion of 6 months of employment employees may request a leave of absence without pay/benefits. Requests must be approved by the Department Manager and City Manager.

The employee may request to take "Leave without Pay" from the City Manager.

Special leave without pay

We would not grant an extended leave but do allow for a shorter time.

This is handled on case by case basis.

Allow them to use their sick and vacation time and possibly allow leave without pay for up to 30 days.

They can use their leave time until it is exhausted and then they are on leave without pay status.

Time off without pay may be granted.

The employee must use their accrued leave first; and when that is exhausted, he or she could ask for leave without pay.

treat them in accordance with state law- provide leave and short term disability

18. Do you have any other comments you would like to add that explains how you handle FMLA?

Open Text Responses:

None

We adopted a sick leave policy that says that if an employee is absent for more than 5 consecutive work days he or she is required to apply for FMLA Leave.

Gets em back to work pretty quickly! Cause they hate the FMLA Paperwork Process!

No.