

*City of St. Louis Department of Personnel Administrative
Regulation NO. 116*

MEDICAL LEAVE

Effective: July 19, 2010

I. PURPOSE:

The compensation ordinance establishes the City of St. Louis' medical leave program. Medical leave with pay is a benefit designed to protect employees from a loss of income when he or she is unable to work due to certain personal or family medical circumstances. The purpose of this administrative regulation is to define those covered medical circumstances and to establish guidelines for the granting of medical leave with pay.

II. ELIGIBILITY FOR MEDICAL LEAVE WITH PAY:

Bi-weekly paid employees who occupy permanent competitive positions in the classified service working one-half (50%) time or more are eligible for medical leave with pay for personal illness, injury, certain personal medical/dental appointments, or physical inability to perform assigned duties; or when the employee must provide temporary medical care for a family member. Medical leave with pay is at the discretion of the appointing authority and can be used in fifteen (15) minute intervals or more.

III. POLICY:

Absence is defined as failure of a worker to report to the job when he/she is scheduled to work.

1. To qualify for paid medical leave, the employee must notify his/her supervisor as soon as the employee is aware of a pending absence. If advance notice cannot be given, the employee must notify his/her supervisor or other designated persons of his/her inability to report for work because of illness prior to the starting time of his/her normal workday and tell the supervisor or designee of the approximate duration of the absence. Scheduled absences

are generally considered absences taken for good cause. However, in certain instances an employee's "scheduled absence" can be subject to discipline if absences occur too frequently or a pattern of abuse has been established.

2. Unscheduled absences occur when an employee is scheduled to work and is not in attendance and has not followed leave approval procedures. An unscheduled absence may lead to disciplinary action. A unexcused absence of three days can lead to the employee being dismissed for "Abandonment of Job" under Administrative Regulation 117.

IV. MEDICAL LEAVE USAGE:

An eligible employee may be granted medical leave under the following conditions:

1. For personal illness;
2. For personal medical and dental appointments for which arrangements cannot be made outside of working hours;
3. For temporary physical disability;
4. When the employee must provide temporary medical care for a covered family member.

Employees may elect to use medical leave, if eligible, in lieu of Workers' Compensation temporary total disability payments in order to retain full salary during period of temporary disability resulting from job-related injuries.

An employee who is unable to report for work because of personal illness or because the employee must provide temporary medical care for a family member, must notify his/her supervisor or other designated person within the reasonable time limits set by this regulation. Each employee is to be advised in writing of the time, place and person to whom absences are to be reported.

V. MEDICAL LEAVE ABUSE AND LOSS OF ELIGIBILITY FOR MEDICAL LEAVE WITH PAY.

It is an abuse of medical leave to claim qualifying reasons for an absence when such reasons do not exist. Abuse of medical leave will be treated as a disciplinary issue. The following are some examples of medical leave abuse, but the list should not be considered all inclusive:

1. Unscheduled medical leave as defined above.
2. Failure to give advance notice of an absence when possible.
3. Failure to report an absence properly as required by this regulation.
4. Patterns of absences, e.g. Friday/Monday, seasonal absences, absences when a vacation has been denied, etc.
5. Failure to provide a written certification of disability from a licensed physician or medical provider, when requested after an absence of at least three (3) days.
6. Incapacitation as a result of working for another employer.
7. Failure of an employee to appear for a medical examination as may be required by the appointing authority.
8. The employee fails to provide accurate information or gives false information concerning an illness or absence. Such falsification will result in disciplinary action.
9. The employee is absent as a result of participating in a "sick out" or other form of organized withholding of services.

The City's discipline policy, Administrative Regulation #117 should be followed, however, when correcting excessive intermittent or excessive regular medical leave usage. When disciplining an employee under this policy, the appointing authority should take into consideration such factors as the employee's past attendance record, length of service, performance of duties, previous use of medical leave, etc.

If a supervisor has reasonable grounds to question whether one of his/her employees is properly using medical leave (e.g., when medical leave is used frequently, in unusual patterns or circumstances, when it is used as soon as it is earned, etc.), the supervisor should first inquire further about the matter by asking the employee to explain. The supervisor should attempt to find out why the employee is abusing medical leave and see if his/her behavior stems from a personal problem. If the supervisor finds that it does, the supervisor should refer the employee to the Employee Assistance Program.

VI. TEMPORARY PHYSICAL DISABILITIES AND MATERNITY LEAVE:

Paid medical leave for a temporary physical disability may be granted by the employee's appointing authority, provided the conditions listed below are met. (Maternity leave must be treated like any other temporary physical disability for purposes of granting leave under the medical leave program.)

1. The employee occupies a permanent competitive position in the classified service and is otherwise eligible for medical leave with pay.
2. The paid medical leave will be granted only for the period during which the employee is actually physically unable to perform the job as a result of personal illness or injury.
3. The employee has a medical leave balance.

VII. SICKNESS IN FAMILY:

A request for medical leave with pay will be granted when an employee is required to provide temporary medical care, which has been certified by a physician or practitioner, and has been approved for coverage under Family & Medical Leave (FML). The following are qualifying family members:

- Spouses - i.e., husband, wife or domestic partner**
- Parents - includes natural & adopted parents or someone who acted in lieu of a parent
- Children - includes natural, adopted and foster children under 18 years of age

- Legal wards - i.e., individuals for whom the employee has been appointed legal guardian, including children over 18 years who have permanent physical or psychiatric disabilities.

****Domestic Partner** - is an unrelated adult of the same or opposite sex of the employee with whom the employee is living in an intimate, long-term relationship with an exclusive commitment similar to marriage, in which the partners are jointly responsible for one another's welfare and share financial obligations. (The Department of Personnel reserves the right to request acceptable documentation verifying the status of a domestic partnership in order to qualify for the aforementioned benefits.

This provision is intended to allow employees to use accrued sick leave to care for covered family members when it is medically necessary, and alternative care arrangements are unavailable or inappropriate. The appointing authority should provide the employee with FML forms as notification that the event could possibly qualify for FML. Medical leave with pay can be used for all or part of approved FML, not to exceed four hundred eighty (480) hours per twelve-month period.

Medical leave with pay for family members whose illnesses do not qualify for FML coverage is limited to forty (40) hours per calendar year.

VIII INCAPACITATION:

Employees are sometimes rendered incapable of continued employment as a result of serious injury or illness. When an employee's prognosis indicates that return to duty is unlikely, the appointing authority should advise the employee to immediately contact the Employees Retirement System of the City of St. Louis or the Firemen's Retirement System to inquire about eligibility for regular, early or disability retirement.

IX. RECORDS:

Records must be maintained in each department for every employee and should indicate the amount of medical leave available and medical leave

granted under this regulation. Appointing authorities are to regularly review these records or related reports to determine whether any employee has excessive intermittent or excessive regular absence because of illness or claimed physical inability to perform the assigned duties of his/her position.

All employees must fill out and sign an "Employee Leave Request Form" for each period of medical leave granted. These forms are to be retained as part of the employee's permanent record. Certified individual medical leave balances and dates of medical leave usage for the last twelve (12) months must accompany an employee from one department or unit in a competitive position to another in his/her continuous career service with the City of St. Louis.

Any use, disclosure, etc., of medical records must be in compliance with HIPPA/HITECH. Any questions you may have concerning medical records should be referred to the City Counselor's Office.

X. GENERAL:

It is the objective of the Department of Personnel to ensure that the medical leave program is administered in a fair and equitable manner so that employees are uniformly granted the benefits prescribed in this administrative regulation.

It is the responsibility of each appointing authority to institute procedures in accordance with the provisions of this administrative regulation, the compensation ordinance and FML law for the granting of medical leave.

Department of Personnel

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Director