

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

A. FAMILY & MEDICAL LEAVE ACT (FMLA Protected Leave)

Tooele City complies with the Family and Medical Leave Act of 1993 (FMLA), as amended, and the expansion of FMLA under The Support for Injured Service Members Act of 2007. The following is a summary of the main provisions of the FMLA.

However, it is not a comprehensive recital of the law. Questions or further clarification may be obtained from the Tooele City Human Resource Department.

1. FMLA ELIGIBILITY

- a. Employees are eligible for FMLA leave if they have worked for Tooele City for at least 12 months (52 weeks) and worked 1,250 hours of service during the 12-month period immediately before the commencement of the leave.
- b. In determining the 12 months (52 weeks) worked for Tooele City, the 12 months need not be consecutive months. Employment periods prior to a break in service of seven years or more are not counted unless the employee's break in service is occasioned by the fulfillment of his or her National Guard or Reserve military service obligations. The time served performing the military service must be also counted in determining whether the employee has been employed for at least 12 months. For FMLA eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on other paid leave during the week (i.e. sick leave, annual leave, worker's compensation).
- c. Time spent on paid (including disability or worker's compensation payments) or unpaid leave is not counted in determining the 1,250 hours worked for FMLA eligibility purposes. Tooele City will include overtime hours as hours worked on an hour-for-hour basis regardless of whether they were paid out as overtime or as compensatory time.

2. FMLA DEFINITIONS

For purposes of this Section, the following terms have the stated meanings:

- a. Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. Parent does not include parent-in-law.
- b. Child means a biological, adopted, or foster child, a stepchild, a legal ward, legal guardian, or a child of a person standing in loco parentis who is either under 18, or age 18 or older and "incapable of self-care because of a mental

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

- or physical disability" except for FMLA leave due to military service the person does not have to be a minor.
- c. In loco parentis means any person who has put him- or herself in the situation of a lawful parent by assuming the obligations incident to the parental relation without going through the formalities necessary for legal adoption. It embodies the two ideas of assuming the parental status and discharging the parental duties. Employees who have no biological or legal relationship with a child may nonetheless stand in loco parentis to the child and be entitled to FMLA leave. If there are questions about whether an employee's relationship to a child is covered under FMLA, the City may require the employee to provide reasonable documentation or statement showing the family relationship. A simple statement asserting that the requisite family relationship exists is all that is needed in situations such as in loco parentis where there is no legal or biological relationship.
 - d. Next-of-kin of a covered service member means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter. The FMLA provides additional definitions regarding next of kin including order or priority or employee's designation of next of kin.
 - e. "Serious health condition," for purposes of the FMLA, means an illness, injury, impairment, or physical or mental condition that:
 - 1) Requires an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (meaning the inability to work, attend school or perform other regular daily activities due to the serious health condition treatment therefore, or recovery there from) or any subsequent treatment in connection with such inpatient care;
 - 2) Involves continuing treatment by a healthcare provider for incapacity and treatment. To qualify the incapacity must be for a period of more than three consecutive full calendar days from work, school, or other regular daily activities and include subsequent treatment or period of incapacity relating to the same condition. Subsequent treatment must include treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. Subsequent treatment must occur two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist. Subsequent treatment may be performed by a health care provider, a nurse under direct supervision

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

of a healthcare provider, or by a provider of health care services under orders of, or on referral by, a health care provider;

- 3) Any period of incapacity due to pregnancy, or for prenatal care;
- 4) Any period of incapacity (or treatment for such incapacity) due to a chronic serious health condition. A chronic serious health condition is one which (a) requires periodic visits at least twice a year for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.);
- 5) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment, by a health care provider (e.g., Alzheimer's, stroke, terminal stages of a disease, etc.); or,
- 6) Any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).

3. BASIC FMLA LEAVE ENTITLEMENT

The FMLA provides up to 12 weeks of job protected leave to eligible employees for the following reasons:

- a. For incapacity due to pregnancy, prenatal medical care, or child birth;
- b. To care for the employee's child after birth, or placement for adoption or foster care. Leave to care for a child following birth, for adoption, or for foster care must be taken within one year of the birth or placement of the child;
- c. To care for the employee's spouse, child, or parent with a serious health condition; or,

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

- d. For a serious health condition that makes the employee unable to perform the employee's job.

2. MILITARY FMLA LEAVE ENTITLEMENT

- a. Eligible employees with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week FMLA leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. The FMLA does provide limitations on the amount of leave that can be used for certain qualifying exigencies.
- b. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single "12-month period." A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are added to this type of leave totaling the 26 weeks. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered servicemember during this "single 12-month period," the remaining part of his or her 26 workweeks of leave entitlement to care for the covered servicemember is forfeited.

4. CALCULATION OF 12 WEEKS / 26 WEEKS

- a. **12 Weeks.** In determining eligibility for FMLA leave the City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee's first FMLA use. Each time an employee requests leave, the City will compute the amount of FMLA leave the employee has taken in the last 12 months and subtract it from the 12 weeks of available FMLA leave. The balance remaining will be the amount the employee is entitled to take at that time. Note that this amount may change with each request for FMLA leave as periods of leave drop from the 12-month look back period resulting in leave coming available to the employee. When an

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

employee's work schedule varies from week to week, a weekly average of the hours worked over the 12 months prior to the beginning of the FMLA leave period is used to calculate the amount of FMLA leave available to the employee.

- b. **26 Weeks.** The "single 12-month period" to care for a covered servicemember begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. The "single 12-month period" is applied on a per-covered-servicemember, per-injury basis. An employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for a different covered servicemember or to care for the same servicemember with a subsequent serious injury or illness, except that no more than 26 workweeks of leave may be taken within any "single 12-month period."

5. BOTH SPOUSES ARE EMPLOYED BY CITY

If both spouses work for Tooele City and each wishes to take FMLA leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent with a serious health condition, they may only take a combined total of 12 weeks of leave. If both spouses work for Tooele City and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of FMLA leave during the "single 12-month period." These limitations do not apply where the reason for the leave is the serious health condition of either spouse or the serious health condition of a child. If either spouse is ineligible for FMLA leave, the eligible spouse retains full leave entitlement (i.e. they don't have to split the leave).

6. EMPLOYEE BENEFITS DURING FMLA LEAVE

- a. Tooele City will continue the employee's health, dental, and vision benefits while on FMLA leave at the same level and under the same conditions as if the employee had continued to work.
- b. Sick and annual leave will accrue on a prorated basis and may be retroactively recalculated as needed. Holiday pay will be paid on a prorated basis.
- c. Retirement, life, and other benefits may be continued based on insurance provider's approval. Generally, continuation of these benefits is contingent upon whether the FMLA leave is paid or unpaid and what sources are paying the employee's wages. Benefit continuation is subject to change based on individual insurance providers' provisions. Employer contributions to the

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

401K plan will be adjusted and based on wages paid by Tooele City (i.e. does not include unpaid, disability, or worker's compensation wages).

- d. While on **paid** FMLA leave, Tooele City will continue to make payroll deductions to collect any portion of the employee's share of the premiums.
- e. While on **unpaid** FMLA leave, the employee must continue to pay any portion of the employee's share of the health premiums (and any other benefits the employee desires to continue) and may do so in person or by mail. The payment will be due in the Finance Department by the 15th day of each month. The employee will be deemed delinquent if the payment is more than 30 days late and alternative payment arrangements have not been made with Tooele City. Failure to make timely premium payments may result in cancellation of benefits. Tooele City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work, including seeking recovery through civil court. Tooele City may also seek retroactive termination of insurance coverage with the insurance provider. Tooele City may recover from an employee both the employee's and/or employer's share of any premiums paid during a period of **unpaid** FMLA leave if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: 1) the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under FMLA; or 2) other circumstances beyond the employee's control.

7. EMPLOYEE STATUS AFTER FMLA LEAVE

- a. An employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or virtually identical in terms of pay, benefits and working conditions.
- b. Tooele City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

8. SUBSTITUTION OF PAID LEAVE AND/OR DISABILITY INSURANCE

- a. **Paid Leave Benefit Substitution.** Tooele City has elected the statutory provision under the FMLA permitting an employer to require employees to take any accrued paid annual, sick leave, or comp-time (i.e. paid FMLA leave or "substitution of paid leave") and have it run concurrently with any

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

FMLA leave, to the extent that the reason for the leave complies with permissible uses as specified in this and other Sections regarding paid leave herein this Manual. Before being eligible for unpaid FMLA leave, an employee is required to substitute any accrued and qualifying paid leave to bring the employee to 100% of his/her wage at the time FMLA starts. In cases of varying schedules, the required substitution will be calculated as the average weekly wage earned during 12 months prior to commencing FMLA leave. While substituting paid leave, an employee must follow the same terms and conditions of the City's policy that apply to other employees for the use of such paid leave.

- b. **Disability or Worker's Compensation Substitution.** When substitution occurs and wages are paid in whole or part by a City-sponsored disability insurance provider (i.e. short-term disability or worker's compensation insurance) the employee may elect to, but is not required to, supplement the insurance payment up to 100% of his/her pre-disability wage. This generally only occurs when FMLA is needed due to the serious medical condition of the employee.

9. INTERMITTENT FMLA LEAVE OR A REDUCED WORK SCHEDULE

- a. An employee may take FMLA intermittently (i.e. take off work in 15 minute increments when needed or a day or two over the year when needed) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 work weeks to care for an injured or ill servicemember over a "12-month period").
- b. Tooele City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- c. For the birth, adoption or foster care of a healthy child, Tooele City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced work schedule.
- d. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Tooele City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

- e. An employee who has been approved for intermittent FMLA-protected leave must specifically reference either the FMLA qualifying reason for leave or give enough information to his/her supervisor so that it can be determined that the reason for the intermittent leave qualifies it as FMLA-protected leave. Calling in “sick” without providing more information will not be considered sufficient notice to trigger Tooele City’s obligations under the Act.

10. PROCEDURE FOR REQUESTING FMLA LEAVE

- a. For (1) The birth of a child or in order to care for that child; or 2) The serious health condition of the employee:
 - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees must then submit a completed Form #17, Certification of Health Care Provider for Employee’s Serious Health Condition.
 - 3) The worker’s compensation insurance company’s approval of the employee’s need to be absent from work will satisfy the need to submit a completed Form #17, Certification of Health Care Provider for Employee’s Serious Health Condition.
 - 4) Employees must provide Tooele City with at least 30 days notice prior to the need for leave, if possible. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the workplace. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date Tooele City receives notice.
 - 5) While on leave, employees are requested to report periodically to Tooele City regarding the status of the medical condition and their intent to return to work. Tooele City may ask for additional updates.
 - 6) The employee must respond to requests for certification or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

- 7) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.
 - 8) Tooele City has the right to ask for a second opinion if it has reason to doubt the certification. Tooele City will pay for the employee to get a certification from a second doctor, which the company will select. If necessary to resolve a conflict between the original certification and the second opinion, Tooele City will require the opinion of a third doctor. Tooele City and the employee will mutually select the third doctor, and the company will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.
- b. To care for a spouse, child or parent with a serious health condition:
- 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees must then submit a complete Form #18, Certification of Health Care Provider for Family Member's Serious Health Condition.
 - 3) Employees must provide Tooele City with at least 30 days notice prior to the need for leave, if possible. If it is not possible to give 30 days notice, the employee must give as much notice as is practicable. If an employee fails to provide 30 days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date Tooele City receives notice.
 - 4) While on leave, employees are requested to report periodically to Tooele City regarding the status of the medical condition and their intent to return to work. Tooele City may ask for additional updates.
 - 5) The employee must respond to requests for certification or recertification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.
 - 6) If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

- c. The placement of a child for adoption or foster care and to care for the newly placed child:

An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.

- d. For a Qualifying Exigency for Military Family Leave:
 - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees requesting this type of FMLA leave must also submit a complete Form #19, Certification of a Qualifying Exigency for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to Tooele City.
- e. To Care for an injured or ill servicemember:
 - 1) An employee must provide at least verbal notice sufficient to make the City aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.
 - 2) Employees requesting this type of FMLA leave must submit a complete Form #20, Certification for Serious Injury or Illness of Covered Servicemember – for FMLA Military Family Leave. If such leave is foreseeable, employees are asked to provide as much notice as possible to Tooele City.

11. DESIGNATING LEAVE AS FMLA LEAVE

- a. Absent extenuating circumstances Tooele City will inform the employee, in writing, of the designation of leave as FMLA-qualifying leave within five business days after receipt of notification of the need for leave and if applicable, receipt of completed required documentation.
- b. While leave is in progress or if upon returning from leave Tooele City learns that the reason for leave was an FMLA-qualifying reason, Tooele City may retroactively designate such leave while the leave is in progress or within two business days of the employee's return to work.

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

B. CITY APPROVED LEAVE OF ABSENCE

1. Leave of absence (LOA) is a term used to describe a period of time that an employee is to be away from his/her primary job, while maintaining the status of active employee. This term is in contrast to normal periods away from the workplace, such as vacations, holidays, annual leave, and sick leave in that they are considered to be ***exceptional circumstances***, rather than routine or generally expected absences otherwise approved through department absentee policies. Leave of absence (LOA) is also a term used to describe a period of time that an employee who accrues paid leave benefits needs to be away from work and ***does not have paid leave available*** to cover the absence. Generally a leave of absence has a predefined conclusion date or is expected to conclude after a certain event has occurred.
2. Tooele City will consider approval of a City Approved Leave of Absence when FMLA leave is exhausted, when the reason for the leave does not qualify under the FMLA, or when an employee is ineligible for FMLA protected leave. Employees may apply for a City Approved Leave of Absence by submitting an Application for Leave (Form #16). Tooele City may request additional documentation verifying the need for leave.
3. A City Approved Leave of Absence is not an acquired right by employees and is granted by the Mayor and Department Head, at the discretion of the City, and then only when the City work is not adversely affected and only when the absence does not create a hardship to Tooele City or other employees.
4. Examples of circumstances where a leave of absence may be considered include, but are not limited to: employee's illness when it is determined that the employee may be able to return within one year; an ailing child or spouse; or, a family crisis or hardship that requires the employee to be absent from work.
5. Examples of circumstances where a leave of absence will be denied include, but are not limited to: pursuit of other employment or job opportunities; volunteer service; recreation or travel; or, education. The Mayor has the discretion to approve such absence contingent upon the supervisor or department head taking action to notify the employee of the need to better manage paid leave benefits in anticipation of the known or unknown need for future leave for reasons such as these.
6. A City Approved Leave of Absence may not exceed one year unless doing so is determined, by Tooele City, to be a reasonable accommodation in accordance with the American's with Disabilities Act.

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

7. A City Approved Leave of Absence may be terminated prior to the expiration date thereof with the consent of the Mayor. Failure of an employee to report for duty promptly at the expiration date of the leave or violation of an agreement of understanding entered into by the employee relative thereto is cause for discharge.
8. All eligible paid leave must be exhausted before an employee may take leave with reduced or no pay.
9. Leave of absences are classified as (a) Leave of absence with full or disability pay or (b) Leave of absence with partial or no pay. The following applies:
 - a. **Leave of Absence with Full or Short-term Disability Pay.** If an employee is absent from work and on short-term disability, or receiving compensation equal to 100% of their regular bi-weekly pay through a combination of comp-time, sick leave payments, or annual leave payments, the employee is classified as on a leave of absence with full pay.
 - 1) The employee will be retained on Tooele City's regular group plans under the same conditions that applied before leave commenced and will be subject to change if City plans or benefit contracts change. However, while on a City Approved leave of absence with full or disability pay, an employee will accrue sick leave, annual leave, and/or holiday pay on a prorated basis based on hours they are being paid for each pay period (i.e. using paid leave, actual hours worked, or any combination thereof). An employee will not lose, and pursuant to specific benefit provisions, may use any benefits that accrued before the date the leave began.
 - 2) To continue group coverage, the employee must make the normal employee premium. Failure to pay premiums may result in loss of coverage. While on a leave of absence with full pay, the employee-paid portion of the group health plan benefit premiums are deducted from the employee's check as usual. When the need for a leave of absence with full pay is foreseeable, the employee may elect to pre-pay their-paid portion of the group benefit plan premiums through increased payroll deductions before the leave is taken. When the need for a leave of absence with full pay is not foreseeable, the employee may elect to be billed monthly for their portion of the group benefit premiums. If the employee-paid portion of the group benefit premiums is more than 30 days late, the City's obligation to maintain

FAMILY AND MEDICAL LEAVE ACT & CITY APPROVED LEAVE OF ABSENCE

Revised January 2016

SECTION: 27

group health plan insurance coverage will cease. The benefits the employee is normally eligible for remain in effect as provided for and allowed by the insurance provider. Tooele City will continue to pay their portion of the insurance premiums. Due to contractual changes and legal requirements, such coverage may change.

- 3) An employee will receive credit for service time while on an approved leave of absence with full or short-term disability pay.

b. **Leave of Absence with Partial or No Pay.** If an employee is not on short-term disability, and receiving compensation that is less than 100% of their regular bi-weekly pay due to no payment or reduced payment through a combination of comp-time, sick leave payments, annual leave payments, or long-term disability payments, the employee is classified as on a leave of absence with partial or no pay.

- 1) Benefits will continue provided the employee's reduced compensation meets the eligibility requirement for the benefit (i.e. hours worked and employment status). Benefits do not continue if the employee's reduced compensation falls below the eligibility requirements for the benefit (i.e. hours worked and employment status). It is possible that an employee may remain eligible for some, but not all benefits due to the eligibility requirements for each benefit.
- 2) When an employee becomes ineligible for benefit continuation, benefits will terminate effective the last day of the pay period in which the employee became ineligible. (i.e. a week occurred where an employee charged only 16 hours of leave, benefits will terminate the last Saturday of the pay period). The employee may re-enroll once the employee has met the eligibility requirements. Employees and their dependents that lose coverage may cover gaps in their insurance coverage pursuant to COBRA continuation coverage. Employees and their dependent will subsequently be subject to re-enrollment and possibly pre-existing provisions.

C. LEAVE OF ABSENCE FOR EMPLOYEES APPOINTED TO OTHER POSITIONS

An employee will be placed on an automatic leave of absence in the event the employee is temporarily appointed to any other City position for the period of time the employee fills that position. Upon termination of the leave of absence the employee will be returned to the former position. Employees taking such a leave of absence will continue to be eligible for and accrue all benefits.