CITY AND COUNTY OF BROOMFIELD

LEAVE POLICY

FULL-TIME EMPLOYEES

<u>POLICY STATEMENT:</u> All Employees are expected to be in attendance, ready for work and on time at their assigned work stations as scheduled in accordance with the "Personnel Merit System" and departmental rules and regulations unless on approved leave. Prompt, regular and reliable attendance is critical for the efficient operation of our organization. The term "Employer" in this policy refers to the City and County of Broomfield. The term "Employee" in this policy refers to all full-time employees hired to work in a continual, year-round position for a minimum of 2,080 hours in a calendar year (or proportionately less for an Employee hired during the calendar year). Part-time and temporary employees are not eligible for benefits under this policy. Unauthorized absences from work for a period of three days or longer may be considered a voluntary resignation. Violations of this leave policy will be cause for corrective or disciplinary action in accordance with the City and County's <u>Personnel Merit System</u>.

ANNUAL LEAVE: Subject to the provisions of this policy, annual leave may be provided to Employees for the purpose of granting paid time off during an absence from scheduled working hours. Reasons for annual leave may include, but are not limited to, the following:

- 1. vacation; or
- 2. absence to transact personal business; or
- 3. to receive full or partial regular pay after exhausting the maximum benefit period for short-term disability leave or injury leave; or
- 4. absence during family or medical leave.

Annual leave may be taken only as earned and may not be taken in segments of less than 15-minutes. However, any increment of accrued annual leave hours may be used after exhausting the maximum benefit period for short-term disability leave or injury leave, if applicable, or to exhaust annual leave hours in order to qualify for leave without pay.

Scheduling of Annual Leave: Approval of annual leave use is at the discretion of the immediate supervisor who will consider the Employee's wishes and the scheduling needs of the department. Employees taking time off without approval of the immediate supervisor may not be paid for the time absent from scheduled working hours, may be subject to corrective or disciplinary action, and the Employee's timesheet will reflect those hours as absent without official leave (AWOL). See the section titled "Leave Without Pay" for any impact on benefits. Except in emergency or unforeseeable situations, annual leave must be scheduled with the Employee's immediate supervisor at least 24 hours in advance of the use of the leave. Please note that some departments may require a longer period of advance scheduling.

Amount of Annual Leave Benefit:

Group 1 Employees who are exempt from overtime shall accrue annual leave on a prorated basis according to the following schedule:

Months Of Continual Full-Time Employment Completed	Leave Accrual per Regular Hours Worked	Total Hours Of Annual Leave Accrued Annually	
0 months but less than 36 months	.0731/1.0 hour	152 (19 8-hour days)	
36 months (3 years) but less than 60 months	.0769/1.0 hour	160 (20 8-hour days)	
60 months (5 years) but less than 84 months	.0808/1.0 hour	168 (21 8-hour days)	
84 months (7 years) but less than 108 months	.0846/1.0 hour	176 (22 8-hour days)	
108 months (9 years) but less than 132 months	.0885/1.0 hour	184 (23 8-hour days)	
132 months (11 years) but less than 156 months	.0923/1.0 hour	192 (24 8-hour days)	
156 months (13 years) but less than 180 months	.0961/1.0 hour	200 (25 8-hour days)	
180 months (15 years) but less than 204 months	.1000/1.0 hour	208 (26 8-hour days)	
204 months (17 years) but less than 228 months	.1039/1.0 hour	216 (27 8-hour days)	
228 months (19 years) but less than 240 months	.1077/1.0 hour	224 (28 8-hour days)	
240 months (20 years) but less than 300 months	.1115/1.0 hour	232 (29 8-hour days)	
300 months (25 years) and above	.1154/1.0 hour	240 (30 8-hour days)	

Group 2 Employees (Employees eligible for overtime) shall accrue annual leave on a prorated basis according to the following schedule exclusive of overtime or on-call hours worked or holiday special hours paid:

Months Of Continual Full-Time Employment Completed	Leave Accrual per Regular Hours Worked	Total Hours Of Annual Leave Accrued Annually	
0 months but less than 36 months	.0539/1.0 hour	112 (14 8-hour days)	
36 months (3 years) but less than 60 months	.0577/1.0 hour	120 (15 8-hour days)	
60 months (5 years) but less than 84 months	.0615/1.0 hour	128 (16 8-hour days)	
84 months (7 years) but less than 108 months	.0654/1.0 hour	136 (17 8-hour days)	
108 months (9 years) but less than 132 months	.0692/1.0 hour	144 (18 8-hour days)	
132 months (11 years) but less than 156 months	.0731/1.0 hour	152 (19 8-hour days)	
156 months (13 years) but less than 180 months	.0769/1.0 hour	160 (20 8-hour days)	
180 months (15 years) but less than 204 months	.0808/1.0 hour	168 (21 8-hour days)	
204 months (17 years) but less than 228 months	.0846/1.0 hour	176 (22 8-hour days)	
228 months (19 years) but less than 240 months	.0885/1.0 hour	184 (23 8-hour days)	
240 months (20 years) but less than 300 months	.0923/1.0 hour	192 (24 8-hour days)	
300 months (25 years) and above	.0961/1.0 hour	200 (25 8-hour days)	

Leave accrual is calculated using the Employee's regular hours (excluding any additional pay such as overtime, on-call, holiday special, etc. which are usually 40 hours in a pay week for non-sworn employees or 80 hours in a pay period for sworn employees) using the Leave Accrual per Regular Hours Worked formula above.

Also, sick leave balances at the end of a calendar year will be converted at 100% of the remaining balance to annual leave on the second payroll of the following year. An employee must meet the definition of Employee on the January 1st following the end of the calendar year in order to qualify for this sick leave conversion provision.

<u>Part-Time Service Credit:</u> For purposes of calculating the amount of annual leave benefit, a part-time employee who is appointed to a full-time position will be credited for 100 percent of the length of time served in <u>part-time</u> Broomfield service. For Example: An employee who worked in a part-time position for the Employer for 24 months would be credited for 24 months of service when calculating the annual leave benefit. This service credit does not apply to temporary employees or independent contractors.

<u>Prior Service Credit:</u> If a separated employee is re-employed within three years of his or her separation date from a full-time or part-time position, his or her service date for leave will be adjusted to reflect the prior full-time or part-time service. It is the Employee's responsibility to contact the Human Resources Department to request prior service credit. Prior service credit may not be granted if payroll records or personnel files are not available in order to document the prior service.

<u>Maximum Accumulation:</u> The balance of unused annual leave for Employees may not exceed 320 hours at the end of the calendar year. All unused annual leave hours in excess of the 320 hours at the end of the calendar year will be forfeited.

<u>Illness During Annual Leave:</u> An Employee who becomes ill or injured when using annual leave may request available sick leave in lieu of annual leave for the period of that Sickness or Injury.

<u>Return to Work:</u> If the Employee is using Annual Leave to cover an absence relating to personal Sickness or off-the-job Injury/Disability, the Employee may be required to have his or her Physician complete the "Physician's Release to Return to Work" form prior to his or her return to Active Status. If required, the Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

<u>Payment Upon Separation:</u> Upon separation from employment, unused annual leave hours as shown on payroll records will be paid using the Employee's regular hourly rate of pay.

CLOSURE OF EMPLOYER OFFICES AND FACILITIES DURING HAZARDOUS CONDITIONS: If Employer offices and facilities are closed by order of the City and County Manager (as confirmed by the Employee's supervisor), those Employees who were scheduled to work during the closure will be granted closure leave to cover this authorized absence. Employees on leave or Employees not scheduled to work that day are not eligible for closure leave. Employees who are required to work during the closure will be granted annual leave for each hour worked up to the number of hours they are normally scheduled to work on that day.

COMPENSATORY TIME: Subject to the provisions of this policy, compensatory time may be provided to Group 2 Employees in lieu of overtime pay. Supervisors may require the Employee to accumulate compensatory time in lieu of payment of overtime. Employees may accumulate compensatory time to a 40 hour maximum at any one time, and an Employee's balance up to this 40 hour maximum may carry over from one calendar year to the next. Compensatory time may be used for the same reasons as annual leave. Compensatory time may be taken only as earned and may not be taken in segments of less than 15-minutes, unless the Employee is attempting to exhaust his or her compensatory time balance.

Earning Compensatory Time: When an Employee works sufficient hours to earn overtime (more than 40 hours in a pay week or for designated sworn Employees 80 hours in a pay period), an Employee may designate these hours as compensatory time on his or her timesheet and the Employer may require the Employee to accumulate compensatory time in lieu of receiving overtime pay. These overtime hours are multiplied by 1.5, and the Employee can accumulate to a 40 hour maximum at any one time. Any excess hours would have to be paid as overtime at the overtime rate. For Example: An Employee who works four hours of overtime could designate on his or her timesheet that he or she would like those hours in compensatory time instead of overtime pay. The Finance Department--upon processing the timesheet--would multiply the four hours of overtime by 1.5, and the Employee would have six hours of compensatory time to use at a later time.

<u>Using Compensatory Time</u>: Approval of the use of compensatory time is at the discretion of the immediate supervisor who will consider the Employee's wishes and the scheduling needs of the department. Employees taking time off without approval of the immediate supervisor may not be paid for the time absent from scheduled working hours, may be subject to corrective or disciplinary action, and the Employee's timesheet will reflect those hours as absent without official leave (AWOL). Except in emergency or unforeseeable situations, compensatory time must be scheduled with the Employee's immediate supervisor at least 24 hours in advance of its use. Please note that some departments may require a longer period of advance scheduling.

<u>Return to Work:</u> If the Employee is using Compensatory Time to cover an absence relating to personal Sickness or off-the-job Injury/Disability, the Employee may be required to have his or her Physician complete the "Physician's Release to Return to Work" form prior to his or her return to Active Status. If required, the Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

<u>Payment Upon Change in Status from Non-Exempt to Exempt:</u> An Employee who changes status from non-exempt (Group 2) to exempt (Group 1) will be paid effective the date of status change for any unused compensatory time as shown on payroll records in accordance with the Fair Labor Standards Act, as amended.

<u>Payment Upon Change in Account Allocation:</u> An Employee who is appointed to a new position or who is transferred to another assignment resulting in a change in personal services allocation may be paid from the previous personal services account effective the date of change for any unused compensatory time as shown on payroll records in accordance with the Fair Labor Standards Act, as amended.

<u>Payment Upon Separation:</u> Upon separation from employment, unused compensatory time as shown on payroll records will be paid in accordance with the Fair Labor Standards Act, as amended.

SICK LEAVE: Subject to the provisions of this policy, sick leave may be provided to Employees for the purpose of granting paid time off during an Employee's absence from scheduled working hours due to personal Sickness or off-the-job Injury; Sickness or Injury of an Employee's Immediate Family Member requiring the Employee's personal care and attendance; and Employee medical/dental appointments or visitations. A condition that lasts for a period in excess of three consecutive calendar days will be considered family or medical leave under the Family and Medical Leave Act (FMLA), if applicable, and requires completion of the "Leave Request for Family or Medical Leave" form. This would include any time taken by the Employee to care for a Sickness or Injury of the Employee's Spouse, Parent or child (under 18 years or disabled) requiring the Employee's personal care and attendance. Sick leave may be taken only from the Employee's available balance and may not be taken in segments of less than 15-minutes unless the Employee is attempting to exhaust his or her sick leave balance.

<u>Sickness During Holiday Leave:</u> This section applies to Employees who work rotating shifts without observance of holidays due to the nature of their work. An Employee who becomes ill or injured when scheduled to work on an Employer-observed holiday may request available sick leave in lieu of holiday leave for that period of Sickness or Injury.

<u>Notification Requirement:</u> To qualify for sick leave, an Employee must notify his or her supervisor not later than 30 minutes before his or her scheduled starting time or as soon thereafter as possible. If the Employee is requesting sick leave for Employee scheduled medical/dental appointments or visitations, the Employee must request the leave from his or her supervisor at least 24 hours in advance. Please note that some departments may establish earlier notification requirements.

Amount of Sick Leave Benefit: Employees are eligible for 80 hours of sick leave per calendar year. This amount shall be prorated for Employees hired after January 1 of the calendar year. Sick leave balances at the end of a calendar year will be converted at 100% of the remaining balance to annual leave on the second payroll of the following year. Employees must meet the definition of Employee on the January 1st following the end of the calendar year in order to qualify for this sick leave conversion benefit.

Employees in Inactive Status are not eligible for this sick leave benefit until they return to Active Status.

Medical Certification for Employee's Absence: When sick leave is taken in excess of three or more consecutive working days, the supervisor may require that the Employee submit a "Certification of Health Care Provider" form signed by a Physician verifying the Sickness/Injury. However, if the Employee is on leave restriction as part of a corrective or disciplinary action, the supervisor may require a "Certification of Health Care Provider" form signed by a Physician for any amount of any leave taken to cover an unscheduled absence.

<u>Return to Work:</u> If the Employee is using Sick Leave to cover an absence relating to personal Sickness or off-the-job Injury/Disability, the Employee may be required to have his or her Physician complete the "Physician's Release to Return to Work" form prior to his or her return to Active

Status. If required, the Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

<u>Payment Upon Separation:</u> Upon separation from employment, unused sick leave hours as shown on payroll records will <u>not</u> be paid. Employees who change their status to part-time non-benefited or temporary will forfeit their accrued sick leave balance upon appointment to the part-time non-benefited or temporary position. Employees who change their status to part-time benefited will receive a pro-rated portion, determined by the Human Resources Department, of sick leave calculated through the part-time appointment date. This amount will be converted to annual leave.

SHORT-TERM DISABILITY (STD) LEAVE: Subject to the provisions of this policy, short-term disability leave may be provided to Employees who have been paid at least 1,040 hours (excluding overtime, on-call and holiday-special hours) as an Employee or who have a total of six months of full-time service when the part-time service credit and/or prior service credit are/is included. The Employee must be in Active Status on the day preceding the start of the period of Disability in order to become eligible for this leave benefit. Short-term disability (STD) leave may be used for providing paid time off during an absence from scheduled working hours when the Employee's personal Sickness, off-the-job Injury, or Disability has met or exceeded seven consecutive calendar days (including total and partial days of Disability). All short-term disability leave will be considered medical leave under the Family and Medical Leave Act (FMLA) if the Employee meets the eligibility requirements of FMLA.

Amount of Short-Term Disability (STD) Leave Benefit: Short-term disability leave is available for absences during scheduled working hours retroactive to the first calendar day of the Employee's personal Sickness, off-the-job Injury, or Disability when the Employee's personal Sickness, off-the-job Injury, or Disability results in the Employee not being able to work all or a part of his or her regular schedule for seven consecutive calendar days. Employees are eligible for short-term disability leave according to the following schedule:

Months of Full-time Employment Completed	Maximum Benefit Period	
	Number of Work Hours	
0 months but less than 6 months	No Benefit Available	
6 months but less than 24 months	Up to 312 hours	
24 months but less than 60 months	Up to 416 hours	
60 months but less than 120 months	Up to 450 hours	
120 months and above	Up to 520 hours	

If a holiday occurs during the time an Employee is under approved short-term disability leave, the Employee will receive holiday leave benefit in accordance with the holiday leave provisions. However, if the Employee works rotating shifts without observance of holidays due to the nature of his or her work, and is eligible for short-term disability leave, the Employee may request available short-term disability leave in lieu of holiday leave for that period of Injury or Sickness.

<u>Part-Time Service Credit:</u> For purposes of calculating the amount of short-term disability leave benefit, a part-time employee who is appointed to a full-time position will be credited for 100 percent of the length of time served in <u>part-time</u> Broomfield service. For Example: An employee who worked in a part-time position for the Employer for 24 months would be credited for 24 months of service when calculating the short-term disability leave benefit. This service credit does not apply to temporary employees or independent contractors.

<u>Prior Service Credit:</u> If a separated employee is re-employed within three years of his or her separation date from a full-time or part-time position, his or her service date for leave will be adjusted to reflect the prior full-time or part-time service. It is the Employee's responsibility to contact the Human Resources Department to request prior service credit. Prior service credit may not be granted if payroll records or personnel files are not available in order to document the prior service.

<u>Maximum Benefit Period</u>: The term Maximum Benefit Period means the maximum number of work hours allowed under short-term disability leave as noted in the section titled "Amount of Short-term Disability (STD) Leave Benefit."

<u>Succeeding Periods of Disability:</u> Two or more periods of Disability will be treated as one period of Disability, unless:

- 1. the Employee returns to Active Status on a full-time basis without restrictions for at least 180 consecutive calendar days between periods of Disability; or
- 2. the succeeding period of Disability is due to Sickness or Injury unrelated to the cause of the prior period of Disability for which leave was approved.

Limitation of Benefit: Short-term disability leave ends on the earliest of:

- 1. the date the Employee ceases to be disabled or dies;
- 2. the date the Maximum Benefit Period ends:
- 3. the date the Employee is able, but chooses not to return to Active Status;
- 4. the date the Employee fails to take a required medical examination, without good cause.

No Employee shall be covered under the short-term disability leave benefit for more than the Maximum Benefit Period for the same or related Sickness or condition, off-the-job Injury, or Disability unless it qualifies as a separate Sickness, off-the-job Injury or Disability under the section entitled "Succeeding Periods of Disability."

No Employee shall be granted more than the following hours based on years of service for short-term disability leave in a rolling 12-month period regardless of the number of separate periods of Disability:

Months of Full-time Employment Completed	Maximum Number of STD Hours Allowed in a Rolling 12- month Period	
0 months but less than 6 months	No Benefit Available	
6 months but less than 24 months	No more than 624 hours	
24 months but less than 60 months	No more than 832 hours	
60 months but less than 120 months	No more than 900 hours	
120 months and above	No more than 1,040 hours	

Short-term disability leave is not available for intermittent leave. Once an Employee has returned to work for his or her regularly scheduled hours, short-term disability leave ends (even if the Employee is in modified duty status). If the condition recurs, the Employee is required to meet or exceed the seven consecutive calendar days (including total and partial days of Disability) requirement again.

If an Employee is eligible for short-term disability leave and injury leave concurrently, the Employee's short-term disability and injury leave hours will accumulate towards both leave programs.

<u>Notification Requirement and Medical Certification:</u> The Employee must complete the "Leave Request for Family or Medical Leave" form when requesting short-term disability leave for his or her own serious medical condition.

In addition, the Employee must submit a completed "Certification of Health Care Provider" form and this form must be completed and signed by a Physician. Short-term disability leave will not be approved until the forms are reviewed and accepted as complete by the Human Resources Department.

The Employee must notify his or her supervisor and the Human Resources Department in advance (30 calendar days) of any planned absence by completing and submitting the "Leave Request for Family or Medical Leave" form. Also, the Employee must submit the completed "Certification of Health Care Provider" form to Human Resources no later than 15 calendar days following submission of the "Leave Request for Family or Medical Leave" form. Notification for unplanned absences that fall under Short-Term Disability must occur as soon as practicable through submission of the aforementioned forms. An Employee requesting short-term disability leave may be required to undergo a medical examination by a Physician or health facility designated by the Employer to verify that the Employee is unable to satisfactorily perform assigned duties with the expense of such examination to be borne by the Employer.

<u>Return to Work:</u> The Employee must assure that his or her Physician has completed the "Physician's Release to Return to Work" form prior to his or her return to Active Status. The Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department <u>on or before</u> his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

Exclusions: No benefit will be payable for any Disability:

- 1. that is not supported by a medical certification form acceptable to the Employer and signed by a Physician;
- 2. if the Employee fails to submit to a medical examination by a Physician or health facility designated by the Employer to verify that the Employee is Disabled;
- 3. if the Employee is not in Active Status on the day preceding the onset of the Disability;
- 4. during which the Employee is not under the regular care of a Physician;
- which is the result of an Injury or Sickness covered by Worker's Compensation; or
- 6. which is due to an Injury or Sickness arising out of, or in the course of, any employment for wage or profit.

<u>HOLIDAY LEAVE:</u> Subject to the provisions of this policy, holiday leave may be provided to Employees for the purpose of granting paid time off for Employer-observed holidays. Holiday leave may be taken only as earned and may not be taken in segments of less than 15-minutes unless the Employee is attempting to exhaust his or her holiday leave balance. Employees in Inactive Status are not eligible for this holiday leave benefit until they return to Active Status.

<u>Amount of Holiday Leave Benefit:</u> Employees shall receive holiday leave on City and County-observed holidays according to the following schedule:

Holiday Observed By Employer	Hours
New Year's Day (January 1)	8
Martin Luther King's Birthday (Third Monday in January)	8
President's Day (Third Monday in February)	8
Memorial Day (Last Monday in May)	8
Independence Day (July 4)	8
Labor Day (First Monday in September)	8
Veteran's Day (November 11)	8
Thanksgiving Day (Fourth Thursday in November)	8
Friday following Thanksgiving	8
Christmas Eve (December 24)	8
Christmas Day (December 25)	8

Note: Generally, when a holiday falls on a Saturday, the holiday will be observed on the preceding Friday. Generally, when a holiday falls on a Sunday, the holiday will be observed on the following Monday.

<u>Accumulation of Holiday Leave:</u> Employees required to work on a holiday or Employees who work rotating shifts without observance of holidays due to the nature of their work shall accumulate holiday leave. Accumulated holiday leave may be used in lieu of scheduled working hours when scheduled with the Employee's immediate supervisor at least 24 hours in advance of the use of the leave. Please note that some departments may require a longer period of advance scheduling.

Any Employee (Group 1 or Group 2) who actually works during the period from midnight through 11:59 p.m. on January 1 (New Year's Day), July 4 (Independence Day), November 11 (Veteran's Day), December 24 (Christmas Eve), December 25 (Christmas Day), or the day observed for Martin Luther King's Birthday (Third Monday in January), President's Day (Third Monday in February), Memorial Day (Last Monday in May), Labor Day (First Monday in September), Thanksgiving Day (Fourth Thursday in November) and Friday following Thanksgiving shall receive four additional hours of holiday leave per holiday worked.

If an Employee who normally works on a holiday because he or she works rotating shifts without observance of holidays due to the nature of his or her work is called in to work on a holiday for which leave was previously approved, the Employee may record the combination of holiday leave

taken and hours actually worked for the hours that make up his/her normal shift. If the Employee is required to work hours either before or after his/her normal shift, the Employee may record the holiday leave for the hours of his normal shift and then record hours worked for those hours actually worked outside of his normal shift. The Employee will not be allowed to record both hours actually worked and holiday leave for the same exact hours.

<u>Injury/Sickness During Holiday Leave:</u> This section applies to Employees who work rotating shifts without observance of holidays due to the nature of their work. An Employee who becomes ill or injured when scheduled to work on an Employer-observed holiday may request available sick leave, short-term disability leave or injury leave in lieu of holiday leave for that period of Sickness or Injury.

<u>Payment for Holiday Leave:</u> In the same pay period in which it is earned, a Group 2 Employee required to work on a holiday or who works rotating shifts without observance of holidays due to the nature of the work, may request payment for earned holiday leave in lieu of accumulating holiday leave to be used for paid time off. Such payment will be made using the Employee's regular hourly rate of pay.

On the second payroll check of December, all unused holiday leave hours as shown on payroll records for Group 2 Employees will be paid using the Employee's regular hourly rate of pay. Group 1 Employees who are exempt from overtime may only use accumulated holiday leave in lieu of scheduled working hours; any unused holiday leave hours at the end of the calendar year will be forfeited. Up to 24 hours of holiday leave earned by Group 1 Employees may be carried into the next calendar year.

<u>Payment Upon Separation:</u> Upon separation from employment, unused holiday leave hours as shown on payroll records will be paid using the Group 2 Employee's regular hourly rate of pay. Upon separation of employment, unused holiday leave hours as shown on payroll records for Group 1 Employees will not be paid.

INJURY LEAVE: Subject to the provisions of this policy, injury leave may be provided to Employees for the purpose of providing paid time off during an absence from scheduled working hours for an on-the-job Disability, including any related doctor's visits or other medical treatment required due to the on-the-job Injury or Sickness. Injury leave will be considered medical leave under the Family and Medical Leave Act (FMLA) if the Employee meets the eligibility requirements of FMLA.

Amount of Injury Leave Benefit: Injury leave benefits provide 100 percent of pay for scheduled working hours for a Maximum Benefit Period of either (1) the duration of the time period the Employee is receiving treatment for the work-related Disability, Injury or Sickness, or (2) a maximum of 520 work hours, whichever is less. In order for an Employee to receive injury leave benefits, the Employee must forward to the Employer any and all benefits received from the Employer's workers' compensation insurance fund subscribed to by the Employer. It is a violation of policy if an Employee receives injury leave from the Employer and payment from the Employer's workers' compensation insurance fund for the same hours, and an Employee violating this leave benefit will be subject to corrective or disciplinary actions in accordance with the Broomfield Personnel Merit System.

If a holiday occurs during the time an Employee is under approved injury leave, the Employee will receive holiday leave benefit in accordance with the holiday leave provisions.

Return to Work: The Human Resources Department will work with the Employee to assure that the "Physician's Release to Return to Work" form is completed by the Employer-designated Physician prior to the Employee's return to Active Status. The Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

<u>Succeeding Periods of Disability:</u> Two or more periods of Disability will be treated as one period of Disability, unless:

- 1. the Employee returns to Active Status on a full-time basis without restrictions for at least 180 consecutive calendar days between periods of Disability; or
- 2. the succeeding period of Disability is due to Sickness or Injury unrelated to the cause of the prior period of Disability for which leave was approved.

<u>Limitation of Benefit:</u> Injury leave ends on the earliest of:

- 1. the date the Employee no longer requires treatment for the work-related Sickness, Injury or Disability;
- 2. the date the employee ceases to be disabled or dies;
- 3. the date the Maximum Benefit Period ends;
- 4. the date the Employee is able, but chooses not to return to Active Status; or
- 5. the date the Employee fails to take a required medical examination, without good cause.

If an Employee is eligible for short-term disability leave and injury leave concurrently, the Employee's short-term disability leave and injury leave hours will accumulate towards both leave programs.

<u>Medical Certification:</u> An Employee receiving injury leave or modified duty assignments may be required to undergo additional medical examination(s) by a Physician or health facility designated by the Employer with the expense of such examination(s) to be borne by the Employer. Failure of an Employee receiving injury leave to submit to a medical examination by an Employer-designated Physician or health facility shall terminate the injury leave benefit.

<u>Non-Compensable Disability:</u> In the event it is determined by the workers' compensation insurance fund subscribed to by the Employer that the work-related Disability, Injury or Sickness is not compensable through workers' compensation benefits, any injury leave paid by the Employer will be charged against the Employee's accumulated sick leave balance or other leave balances as necessary unless otherwise approved by the Employer.

<u>If Injury Leave is Exhausted:</u> If an Employee exhausts the 520 work hours of injury leave and is unable to return to work, or if he/she is returned to work with restrictions and Modified Duty is not available for all regularly scheduled hours, the following may apply:

• The Employee may receive Temporary Total Disability (TTD) or Temporary Partial Disability (TPD) compensation from the workers' compensation insurance fund subscribed to by the Employer. While on TTD or TPD, an Employee will be paid for the hours he/she is not able to work by the workers' compensation insurance fund subscribed to by the Employer up to the maximum amount set by state statute. The Employee will not be allowed to record

hours actually worked on his/her time sheet and receive TTD and TPD compensation from the workers' compensation insurance fund for the same exact hours.

- He/she may elect to use his/her eligible leave balances for the hours he/she is not able to work. If the Employee chooses to do this, he/she will have two options:
 - An Employee may choose to use his/her leave for 100% of the regularly scheduled hours which he/she is not able to work.
 - O An Employee may choose to use a percentage of his/her leave balances to supplement the 66 2/3% pay he/she is receiving from the workers' compensation insurance fund. The Employee should consult with Human Resources to determine the impact on benefits including leave accruals, pensions and health insurance.
 - o If an Employee does not have any eligible leave balances to use or does not elect to use his/her leave balances, he/she may request Leave Without Pay, which is subject to approval by the department head and/or the City and County Manager. The Employee should consult with Human Resources to determine the impact on benefits including leave accruals, pensions and health insurance.

An Employee must elect, in writing, which of the above options he/she wishes to pursue. An Employee can change this election once per pay period.

The Employee may be eligible for Long Term Disability benefits. Please contact Human Resources with questions about this program.

An Employee who has exhausted his/her injury leave is not eligible for donated leave for that period of Injury, Sickness or Disability.

Sick Leave is not available to cover an absence caused by a work-related Disability.

<u>CIVIL LEAVE (Juror Service)</u>: Subject to the provisions of this policy, civil leave may be provided to Employees for the purpose of providing paid time off for Employees called for juror service. This civil leave policy applies to juror service only and does not provide civil leave to an Employee making a non-job-related court appearance.

<u>Pay During Juror Service</u>: Employees who are called for juror service will receive 100 percent of pay for scheduled working hours. The Employee's supervisor may request documentation from the Employee verifying the duration of the juror service. If an Employee reports for juror service and is excused for the day, he or she should report to his or her work assignment within one hour from the time he or she is excused unless the commuting time required to return to work makes this impractical.

<u>CIVIL LEAVE (Election Day)</u>: Subject to the provisions of this policy, Employees who are eligible electors entitled to vote at an election shall be provided Civil Leave for a period of two hours during the time the polls are open, unless there are three or more hours between the time of opening and the time of closing of the polls during which the Employee is not required to be on the job. This leave is for the purpose of voting on election day.

For example, the polls are normally open for voting from 7 a.m. to 7 p.m. If an Employee is scheduled to work from 8 a.m. to 5 p.m., then this Employee has one hour between 7 a.m. and 8 a.m. and 2 hours between 5 p.m. and 7 p.m.--making a total of three hours between the time of

opening and the time of closing of the polls during which the elector is not required to be on the job. Thus, this Employee is not provided the two hours of scheduled working time in which to vote.

Employees shall request time off to vote from their supervisor one day prior to the election day. Advance notice is required so that the necessary time can be scheduled at the beginning or the end of the work shift; whichever provides the least disruption to the normal work schedule.

MILITARY LEAVE: Subject to the provisions of this policy, CRS § 28-3-601 and the Uniformed Services Employment and Reemployment Rights Act of 1994, Chapter 43 of Title 38, United States Code, military duty leave may be provided to Employees for the purpose of attending military training or for entering active military service as a member of the armed forces of the United States or National Guard, voluntarily or involuntarily. USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994) prohibits discrimination in hiring, firing, promotion, training, or any other benefit or advantage of employment for the past, present, or future participation in uniformed services. The military leave cannot exceed five years (with certain exceptions).

An Employee's entitlement to benefits under this policy terminates upon the occurrence of any of the events set forth in 38 U.S.C. § 4304 (1994).

Unless precluded by military necessity, Employees must provide advance notice, orally or in writing, of the need for military leave to the Employee's supervisor. If orders are given to the Employee verbally, the Employee should forward a copy of his/her written orders when available.

<u>Pay During Military Training or Active Service:</u> An Employee shall be eligible for military leave up to a maximum of 15 work days in a calendar year to attend military training or active service ordered or authorized by proper authority pursuant to law, whether for state or federal purposes. If the Employee is required by proper authority to continue in military training or active service in excess of 15 work days in a calendar year, such absence will be charged to leave without pay unless the Employee chooses to use available paid leave (Annual, compensatory time, accrued holiday leave).

<u>Process for Receiving Military Leave:</u> The Employee requests military leave on his/her timesheet and attaches a copy of the orders or provides the orders as soon as possible.

Benefits During Military Training or Active Military Service: All insurances and fringe benefits will continue to be paid by the Employer at current approved levels during the period in which the Employee continues to receive full pay from the Employer (that is, the 15 working days succeeding the time when the Employee is engaged in active military service and during usage of any accrued annual leave, holiday leave, and compensatory time balances). No insurances or other fringe benefits will be paid by the Employer once the Employee is on Leave Without Pay (at the outset of the leave for active military service) unless required by the Colorado Revised Statutes.

For periods of up to 30 calendar days of service, the Employee is required to pay only the Employee's share of the applicable insurance premiums. For periods of service over 30 calendar days, Human Resources shall send applicable insurance continuation information (similar to COBRA) to the Employee and his or her dependents making the first of the month following the day that the Employee's pay from the Employer ends as the effective date of coverage. The insurance continuation information shall be sent to the Employee on or before

the Employee's last day of pay from the Employer. The Employee's right to coverage ends 24 months after the Employee's military duty leave begins or on the day after the deadline for the Employee to apply for reemployment, whichever comes first. Human Resources shall also send life insurance conversion policy information to the Employee on or before the Employee's last day of pay from the Employer.

Health insurance coverage must be reinstated without any waiting period or exclusion for preexisting conditions, other than what would have applied ordinarily. This rule does not apply to the coverage of any illness or injury that is determined by the Secretary of Veterans Affairs to have clearly been incurred in or aggravated during the Employee's military duty leave.

An Employee who is subsequently re-employed in accordance with the USERRA following his or her return from military duty will receive credit for continuous service for purposes of leave benefits and pension plans. For an Employee who is out 91 calendar days or more and then returns, the Employee has a time period that is three times that which the Employee was serving in the military (cannot exceed five years) to pay into the pension plan that the Employee was enrolled in. The Employer shall match the contributions to the extent that the Employee makes contributions. The Employer is not obligated to pay interest earnings or try to estimate investment earnings. The department should budget the appropriate amount for pension contributions while the Employee is on leave, as the Employer contributions need to be paid into the plan upon the Employee's return from leave.

<u>Replacement For Vacant Position:</u> The supervisor can fill the position, if necessary, with the understanding that a reduction-in-force will occur if the individual on military leave returns. See applicable section of the Personnel Merit System at Chapter 2-14 of the Broomfield Municipal Code.

<u>Re-employment After Military Training:</u> Subject to applicable provisions of the USERRA, an Employee who completes military training will be reemployed upon the completion of such training.

<u>Re-employment After Active Military Service:</u> Subject to the USERRA, an Employee who completes active military service will be reemployed following return from active duty provided the individual makes application for reemployment with the Human Resources Department within the time frame after being relieved from active military service or after being discharged from hospitalization continuing after active military service (but only if the period of hospitalization continuing after active military service does not exceed two years). Time limits for returning to work depend on the length of the Employee's military service.

Service up to 30 calendar days: The returning Employee must report to the Employer by the next regularly scheduled workday on the first full day following completion of service and an eight hour rest period following safe transportation home.

Service of 31 – 180 calendar days: An application for reemployment must be submitted no later than 14 calendar days after completing military service.

Service of 181 calendar days or more (to a maximum of five years): An application for reemployment must be submitted no later than 90 calendar days after completing military service.

Service-related disability: Returning Employees who are hospitalized for or convalescing from injuries incurred in or aggravated by military service may apply for reemployment within two years following recovery from such injuries.

These reemployment rights do not apply if the Employee does not submit an honorable discharge or other form of release from proper authority indicating that his or her military service was satisfactory. If the Employee fails to apply for reemployment or report to work within the specified time limits, the returning Employee will be subject to the Employer's rules governing job abandonment as outlined in the Personnel Merit System.

Upon returning from military duty leave, the Employee has the right to prompt reinstatement, accrued seniority, training or retraining, and accommodation for disabilities incurred while in military service. If the period of service was 90 calendar days or less, reinstatement is to the exact job the Employee would have had if continuously employed, provided the Employee is still qualified. If service was for 91 calendar days or more, the Employer has the option to reemploy the Employee in another position of like seniority, status, and pay, the duties of which the Employee is qualified to perform after reasonable efforts by the Employer to qualify the Employee. For returning Employees who are disabled during military service, the Employer will make reasonable efforts to accommodate the returning Employee's disability.

Reemployment of a person is excused if an Employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable, for example, a reduction in force that would have included the person.

BEREAVEMENT LEAVE: Subject to the provisions of this policy, bereavement leave may be provided to Employees in the event of the death of an Immediate Family Member.

<u>Duration of Leave</u>: The department head shall determine the amount of bereavement leave to be granted. The amount of leave granted may not exceed 40 working hours per occurrence.

LEAVE WITHOUT PAY: Subject to the provisions of this policy, leave without pay (LWOP) may be granted to Employees in the following circumstances:

- The Employee is eligible for leave in accordance with FMLA. LWOP is requested for a FMLA qualified event and the appropriate documentation is provided.
- The Employee is eligible for leave in accordance with USERRA. LWOP is requested for a USERRA qualified event and the appropriate documentation is provided.
- The Employee is not eligible for leave in accordance with the FMLA or USERRA and 1) the Employee's employment and leave records are satisfactory; and 2) the value to the Employer and the serious needs of the Employee are sufficient to offset the cost and administrative inconvenience of granting the LWOP.
- The Employee is receiving Temporary Total or Temporary Partial Disability from the Workers' Compensation Insurance Fund.

Except for Employees using LWOP in accordance with USERRA or Temporary Total or Temporary Partial Disability benefits under workers' compensation insurance fund, the Employee's annual leave, compensatory time, sick leave (if applicable) and accrued holiday leave must be exhausted before an Employee can use LWOP, once approved by the proper authority.

LWOP of 40 or fewer hours in a rolling 12-month period is subject to approval by the department head or designee. LWOP in excess of 40 hours in a rolling 12-month period must be routed through the Human Resources Department and then approved by the City and County Manager. The supervisor is responsible for initiating the memorandum requesting LWOP. A sample form is available on the Intranet (Digital Dashboard) under Human Resources.

<u>Maximum Leave Period for a FMLA Qualified Event:</u> LWOP may be granted for a specified period of time not to exceed 520 work hours in a rolling 12-month period. The Employee may use LWOP for the balance of the FMLA period, less any paid leave the Employee used for this FMLA event.

<u>Maximum Leave Period for a USERRA Qualified Event:</u> LWOP may be granted for the period specified under USERRA.

<u>Maximum Leave Period for a non-FMLA or non-USERRA Qualified Event:</u> LWOP may be granted for a specified period of time not to exceed 520 work hours in a rolling twelve month period.

<u>Calculation of the Twelve Month Period:</u> A "rolling" 12-month period is measured backward from the date an Employee uses any leave associated with the event that triggers the need for LWOP.

<u>Reinstatement:</u> At the expiration of LWOP, the Employee may be reinstated to the position vacated in accordance with the FMLA and USERRA. Reinstatement may be denied if:

- 1. the Employee would not otherwise have been employed at the time reinstatement is requested; or
- 2. the Employee is no longer qualified for the position and fails to fulfill the qualification conditions within a reasonable time following return to work.

Limitation of Benefit: LWOP ends on the earliest of:

- 1. The date the Employee ceases to be eligible or dies;
- 2. The date the Employee exceeds the maximum leave period;
- 3. The date the Employee is able but chooses not to return to Active Service; or
- 4. The date the Employee fails to submit the required documentation, without good cause.

<u>Return to Work:</u> If the Employee is using LWOP to cover an absence relating to personal Sickness or off-the-job Injury/Disability, the Employee may be required to have his or her Physician complete the "Physician's Release to Return to Work" form prior to his or her return to Active Status. If required, the Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

<u>Effect on Service Date for Leave and Leave Accrual:</u> Approved LWOP shall not constitute a break in service. However, if an Employee is paid for less than 100 percent of the hours for that pay period, he or she will receive a pro-rated amount of annual leave accrual as noted in the Annual Leave Section.

<u>Effect on Employee Benefits:</u> The use of LWOP may impact the Employee's eligibility for employee benefits. The Employee should schedule a meeting with a representative from the Human Resources Department to discuss the impact prior to taking LWOP.

<u>ADMINISTRATIVE LEAVE</u>: The City and County Manager may authorize programs outside the scope of this Leave Policy in order to grant administrative leave to Employees. Administrative leave may be paid or unpaid.

EMPLOYEE LEAVE DONATION

Eligibility for Leave Donation: Subject to the provisions of this policy, only those Employees:

- who have been paid at least 1,040 hours (excluding overtime, on-call and holiday-special hours) as an Employee; or who have a total of six months of full-time service when the part-time service credit, uninterrupted temporary service credit and/or prior service credit are/is included; and
- 2. who have exhausted their available annual leave, short-term disability leave, compensatory time, sick leave, and holiday leave balances; and
- 3. who experience a) a Serious Health Condition for themselves or an Immediate Family Member requiring additional leave, b) who require Family Leave due to the birth of a Child if completed within 12 months following the birth of his or her Child, or placement of a son or daughter with the Employee for adoption or foster care, if completed within 12 months after the placement, or c) who experience the death of a Spouse or Child or a significant other/domestic partner whose primary residence or place of primary abode is the same as the Employee,

are eligible to apply for this leave donation benefit and may request the Human Resources Department to collect donations of leave from other employees.

Placement of a son or daughter with the Employee for foster care must be pursuant to an agreement with the State of Colorado through a voluntary agreement or judicial determination.

Employees must submit the required paperwork including the "Employee Leave Donation Request" form, the "Leave Request for Family or Medical Leave" form and "Certification of Health Care Provider". If the request is for leave to care for an Immediate Family Member, the Employee must submit a "Certification of Health Care Provider for Family Member's Serious Health Condition" form signed by the Immediate Family Member's physician. Failure to submit completed forms may result in denial of the leave donation request.

An Employee who has exhausted his/her injury leave is not eligible for donated leave for that period of work-related Injury, Sickness or Disability. Please refer to the Injury Leave section of this policy for information on other options which may be available to an Employee if injury leave is exhausted.

<u>Maximum Benefit Period</u>: The term Maximum Benefit Period means the maximum benefit an Employee may be eligible for under the donated leave benefit. Unless otherwise noted under the section titled "Limitation of Leave Donation Benefit":

- An Employee may be eligible for up to 240 hours of donated leave during a 12-month period for an Employee's Serious Health Condition or for the care for a Serious Health Condition of the Employee's Spouse, Parent or child under 18 years (or older child, if disabled), or a significant other/domestic partner whose primary residence or place of primary abode is the same as the Employee.
- 2. An employee may be eligible for up to 120 hours of donated leave during a 12-month period in conjunction with the care for a Serious Health Condition of Immediate Family

- Members (Excluding the Employee's Spouse, Parent or child under 18 years (or older child, if disabled), or a significant other/domestic partner whose primary residence or place of primary abode is the same as the Employee).
- 3. An Employee may be eligible for up to 40 hours of donated leave during a 12-month period for the birth of a Child if completed within 12 months following the birth of his or her Child, or placement of a son or daughter with the Employee for adoption or foster care, if completed within 12 months after the placement.
- 4. An Employee may be eligible for up to 80 hours of donated leave for the death of a Spouse or a Child or a significant other/domestic partner whose primary residence or place of primary abode is the same as the Employee.

In no event will an Employee be eligible for more than 480 hours of donated leave in a "rolling" 12-month period.

<u>Calculation of the Twelve Month Period:</u> A "rolling" 12-month period is measured backward from the date an Employee uses any leave associated with the event that triggers the need for donated leave.

<u>Limitation of Leave Donation Benefit:</u> Eligibility for leave donation ends on the earliest of:

- 1. The date the Maximum Benefit period ends; or
- 2. The date the Employee no longer has a need for leave due to resolution of the Serious Health Condition.

<u>Part-Time or Temporary Service Credit:</u> For purposes of the Employee Leave Donation program, a part-time or temporary employee who is appointed to a full-time position will be credited for 100 percent of the length of time served in <u>part-time</u> or uninterrupted temporary Broomfield service. For Example: An employee who worked in a part-time position for the Employer for 24 months would be credited for 24 months of service when calculating the employee leave donation eligibility. This service credit does not apply to intermittent temporary employees or independent contractors.

<u>Prior Service Credit:</u> If a separated employee is re-employed within three years of his or her separation date from a full-time or part-time position, his or her service date for leave will be adjusted to reflect the prior full-time or part-time service. It is the Employee's responsibility to contact the Human Resources Department to request prior service credit. Prior service credit may not be granted if payroll records or personnel files are not available in order to document the prior service.

<u>Return to Work:</u> If the Employee is using Donated Leave to cover an absence relating to personal Sickness or off-the-job Injury/Disability, the Employee may be required to have his or her Physician complete the "Physician's Release to Return to Work" form prior to his or her return to Active Status. If required, the Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department on or before his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

Procedure:

- A) The requesting Employee completes an "Employee Leave Donation Request Form" obtained from the Human Resources Department concerning the amount of leave requested and the situation causing him/her to make the request.
- B) The Employee submits the form to his or her department head.
- C) The department head authorizes or modifies the amount of leave to be requested based upon departmental needs and in accordance with applicable laws, and returns the form to the Employee.
- D) The Employee submits the "Employee Leave Donation Request" form, the "Leave Request for Family or Medical Leave" form and "Certification of Health Care Provider" form to the Human Resources Department. The Employee must submit a completed "Certification of Health Care Provider" form within fifteen calendar days of submitting the "Leave Request for Family or Medical Leave" form, or the request may be denied until the certification is received. Documentation confirming family relationship, adoption or foster care may be required. In the case of the death of the Employee's Spouse or Child, or a significant other/domestic partner whose primary residence or place of primary abode is the same as the Employee, the Employee submits the "Employee Leave Donation Request" form to the Human Resources Department.
- E) The Human Resources Department verifies the requesting Employee's leave balances.
- F) The Human Resources Department sends a memorandum/leave donation form to employees advising them of the need. Employees may donate hours from their accumulated annual leave, compensatory time, or holiday leave hours by completing and submitting the donation form directly to the Human Resources Department.
- G) The Human Resources Department tallies the donated hours. The Human Resources Department then advises Payroll of the addition of hours to the requesting Employee's Leave Donation balance and the deduction of hours from the respective donating employees' balances. Donations will be processed in the order received and will not exceed the requested amount. The Human Resources Department will review the status of the requesting Employee's situation and his or her Leave Donation balance every 30 calendar days or as needed to determine if the need for donated leave still exists. A statement from the health care provider may be requested to determine the continuing need for the donated leave.
- H) Donated hours will be exchanged on an hour-for-hour basis--without consideration of either the requesting Employee's or donating employee's respective rate of pay. Hours donated will be on a strictly confidential basis; i.e., the requesting Employee will not be advised who donated leave hours--only the total number of hours received.

FAMILY AND MEDICAL LEAVE: Subject to the provisions of this policy, Employees may be eligible for time off for Family or Medical Leave under the Family and Medical Leave Act (FMLA).

<u>Definitions:</u> Some words or terms are defined within this section. Additional definitions for words or terms used in this section can be found at the end of this Leave Policy for Full-time Employees. Employees should refer to the Definitions section to find out exactly how, for purposes of this Policy, a word or term is used.

<u>Eligibility for Leave:</u> Employees who have been employed by the Employer at least 12 months (This need not be consecutive, however; employment prior to a continuous break in service of seven or more years will not be counted) and who have worked at least 1,250 hours during the 12

months preceding the commencement of Family or Medical Leave are eligible for said leave if certain conditions are met. Hours charged to annual leave, sick leave, short-term disability leave, compensatory time used, holiday leave, injury leave, civil leave, funeral leave, administrative leave and leave without pay do not count towards the 1,250 hour requirement.

Amount of Leave/Reasons for Leave:

Except in the case of time off taken to care for a Covered Servicemember with a Serious Injury or Illness, an eligible Employee may be granted time off for a period of up to 12 workweeks during a 12 month period as defined under "Calculation of Twelve Month Period" for any one, or more, of the following reasons:

- 1. Medical Leave due to the inability of the Employee to perform the functions of his or her position due to a Serious Health Condition caused by Sickness or Injury; or
- 2. Family Leave due to:
 - Father's attendance at the birth of his Child;
 - Parent's care of a newborn, if completed within 12 months following the birth of his or her Child;
 - Placement of a son or daughter with the Employee for adoption or foster care, if completed within 12 months after the date of placement;
 - Care for Spouse, Child or the Parent of the Employee who has a Serious Health Condition; or
 - For Qualifying Exigencies arising out of the fact that the Employee's Spouse, Son, Daughter, or Parent is a service member on active duty (or has been notified of an impending call or order to active duty in support of a contingency operation).

If both husband and wife are Employees, they are limited to a combined total of 12 weeks of leave during a 12 month period as defined under "Calculation of Twelve Month Period" for 1) the birth of the Employee's Child or to care for the Child after birth, 2) for placement of a Child for adoption or foster care, or to care for the Child after placement, or 3) to care for the Employee's Spouse, Child or Parent with a Serious Health Condition.

<u>Calculation of the Twelve Month Period:</u> A "rolling" 12-month period is measured backward from the date an employee uses any Family or Medical Leave except for leave taken to care for a Covered Servicemember's Serious Injury or Illness. Each time the employee takes Family or Medical Leave, the remaining leave would be the balance of the 12 weeks which has not been used during the preceding 12 months. Example: an employee takes 4 weeks beginning February 1, 2009; 4 weeks beginning June 1, 2009 and 4 weeks beginning December 1, 2009. On March 1, 2010, the employee wants to take leave and would only be entitled to 4 weeks.

In the case of time off taken to care for a Covered Servicemember with a Serious Injury or Illness, an eligible Employee may be granted time off for a period of up to 26 workweeks during a single 12-month period as follows to care for a Covered Servicemember:

The Employee may be granted time off for a period of up to 26 workweeks to care for a Covered Servicemember with a Serious Injury or Illness within a single 12-month period. The single 12-month period begins on the first day the Employee takes time off to care for the Covered Servicemember and ends 12 months after that date. If an Employee does not take all of his or her 26 workweeks of time off to care for the Covered Servicemember during this single 12-month period, the remaining part of his or her 26 workweeks of time off to care for the Covered Servicemember is forfeited. The Employee may be entitled to take more than one period of 26 workweeks of time off if the leave is to care for a different Covered Servicemember or to care for the same Covered Servicemember with a subsequent Serious Injury or Illness, except that no more

than 26 workweeks of time off may be taken within any single 12-month period. A husband and wife who are Employees are limited to a combined total of 26 workweeks of time off during the single 12-month period.

If the eligible Employee has taken Family or Medical Leave for 1) Father's attendance at the birth of his Child; 2) Parent's care of a newborn; 3) Placement of a Child with the Employee for adoption or foster care; 4) Care for Spouse, Child or the Parent of the Employee who has a Serious Health Condition; or 5) For Qualifying Exigencies, and the Employee requests additional leave to care for a Covered Servicemember, he or she may only take the balance of the 26 workweeks of leave during the single 12-month period (The Employee would not be eligible for 26 workweeks plus 12 workweeks).

<u>Notification Requirement for Requesting Leave:</u> When an eligible Employee requests Family or Medical Leave or if the Employer acquires knowledge that an eligible Employee's leave may be for an FMLA-qualifying reason, the Employer must notify the eligible Employee of the Employee's eligibility to take Family or Medical Leave within five business days.

When the need for the leave is foreseeable, the Employee must submit a "Leave Request for Medical or Family Leave" form to his or her supervisor and the Human Resources Department at least 30 calendar days prior to the date the leave is to commence. Failure to timely provide the notice may result in the delay of leave commencement until 30 calendar days after the notice is received. Notice from the Employee requesting foreseeable leave for Qualifying Exigencies must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. The Employee must also make a reasonable effort to schedule treatment so not to unduly disrupt the Employer's operations.

If the leave is unforeseeable, the Employee is expected to give notice to the Employer of the need for FMLA leave as soon as practicable under the circumstances. As soon as practicable means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. When an Employee becomes aware of a need for Family or Medical Leave less than 30 days in advance, it should be practicable for the Employee to provide notice of the need for leave either the same day or in the case of the Employee's incapacitation, the soonest notice can be given by a family member or by the Employee.

In the event of a medical emergency, notice may be given in person or by phone, and in the event of the Employee's incapacity, by the Employee's Spouse or other family member.

The Employee shall notify the Human Resources representative as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

The Employer notice will include, as appropriate:

- That the leave may be designated and counted against the Employee's Family or Medical Leave balance if qualifying and the applicable 12-month period,
- Any requirements for the Employee to furnish the appropriate certification form, and the consequences for failing to do so,
- The Employer's requirement to substitute unpaid leave with paid leave, and the Employee's ability to take unpaid leave if the Employee does not meet the conditions of paid leave,

- Any requirement for the Employee to make premium payments to maintain benefits and the arrangements for making such payments, along with the possible consequences of failure to make such payments on a timely basis,
- The Employee's rights to maintenance of benefits during Family or Medical Leave and restoration to the same or an equivalent job upon return from Family or Medical Leave,
- The Employee's potential liability for payment of benefit premiums paid by the Employer during the Employee's unpaid Family or Medical Leave if the Employee fails to return to work after taking Family or Medical Leave,
- Whether the Employer will require periodic reports of the Employee's status and intent to return to work.
- The requirement for the Employee to submit the Return-to-Work form completed by the Health Care Provider prior to returning to work. The Employee cannot return to work until the form is submitted to his or her immediate supervisor or Human Resources. The Employee must provide a copy of this form to his or her immediate supervisor and the original form to Human Resources on or before his or her first day back to work.

<u>Medical Certification:</u> Medical certification is not required if the Employee is using available sick leave only to cover the absence for Family or Medical Leave. Medical certification is required under the following circumstances:

- 1. for Medical Leave in which the Employee uses short-term disability leave, annual leave, donated leave, compensatory time, holiday leave, or leave without pay; or
- 2. for Family Leave in which the Employee uses annual leave, donated leave, compensatory time, holiday leave, or leave without pay.

The Employee must comply with the eligibility and procedural requirements when requesting annual leave, donated leave, accrued holiday leave, short-term disability, compensatory time, or Leave without Pay. Failure to submit the proper documentation may result in a denial of one or more of these paid leaves even if the Employee submits the appropriate paperwork for Family or Medical Leave.

The Employee must submit the appropriate completed certification form within fifteen calendar days of receiving notice from Human Resources or the request may be denied until the certification is received. Documentation confirming family relationship, adoption or foster care may be required.

Please note: donated leave and/or short-term disability leave will not be granted until the Employee submits the appropriate request and/or certification forms and the leave is approved by Human Resources.

Recertification and the use of second and third opinions are not allowed when the Employee is taking leave to care for a Covered Servicemember.

<u>Description of the certification forms</u>. The Human Resources representative will send the applicable form to the Employee with the Employer Notice letter once the Human Resources representative becomes aware of the Employee's need to request Family or Medical Leave. There are four certification forms available depending on the nature of the qualifying event:

- Certification of Health Care Provider for Employee's Serious Health Condition (Form WH-380-E) – Employer, Employee and Employee's Health Care Provider are responsible for completing designated sections of this form.
- Certification of Health Care Provider for Family Member's Serious Health Condition (Form WH-380-F) – Employer, Employee and Family Member's Health Care Provider are responsible for completing designated sections of this form.
- Certification for Serious Injury or Illness of a Covered Servicemember for Military Family Leave (Form WH-385) - Employee and Servicemember's Health Care Provider are responsible for completing designated sections of this form.
- Certification for Qualifying Exigency for Military Family Leave (Form WH-384) Employer and Employee are responsible for completing designated sections of this form.

The applicable certification form must be submitted to the Human Resources representative within 15 calendar days after the Human Resources representative's request, unless it is not practicable. If the submitted form is incomplete or insufficient, the Human Resources representative will advise the Employee, in writing, what additional information is necessary to make the certification complete and sufficient. The Employee has seven calendar days to cure any deficiency. Failure by the Employee to cure any deficiency may result in the denial of the request for Family or Medical Leave.

<u>Medical Examinations:</u> The Employer reserves the right to require an Employee to obtain a second medical opinion, at Employer expense, and if the leave extends beyond 30 calendar days to obtain additional medical certification. However, if the initial medical certification indicates that the minimum duration of the condition is more than 30 days, the Employer must wait until that minimum duration expires before requesting recertification unless 1) the Employee requests an extension of leave, 2) circumstances described by the previous certification have changed significantly, or 3) the Employer receives information that casts doubt upon the Employee's stated reason for the absence or the continuing validity of the certification.

Please note: if the Employee is on short-term disability leave, he or she may be required to submit a form re-certifying his or her Serious Health Condition every 30 days in order to continue to receive the short-term disability leave benefit.

Any recertification requested by the Employer shall be at the Employee's expense unless the Employer provides otherwise.

<u>Condition of Leave</u>: Family and/or Medical Leave will consist of available accrued paid leave and unpaid leave. The Employee must use all available accrued paid leave before unpaid leave can be utilized. Any accrued paid leave that qualifies as Family and/or Medical Leave will count towards the applicable 12 or 26 workweek period. The cumulative length of leave cannot exceed the applicable 12 or 26 workweeks within the applicable 12-month period and is <u>not</u> 12 or 26 workweeks per incident.

<u>Substitution of Paid Leave for Unpaid Leave:</u> The Employer requires Employees to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, Employees must comply with and be eligible for the Employer's applicable paid leave programs noted elsewhere in this Policy. If an Employee fails to follow the Employer's policies, the Employee cannot use

accrued paid leave, but can take unpaid leave for approved FMLA absences. FMLA leave is without pay when paid leave benefits are exhausted. Here are the types of leave an Employee may be eligible to use depending on the reasons for the leave.

Type of Paid Leave	For Employee's	For Employee's Spouse,	For Qualifying	Service member leave
	Serious Health	Dependent Child or	Exigencies for	for Employee's
	Condition	Parent with Serious	Employee's	Spouse, Son,
		Health Condition or	Spouse, Son,	Daughter, Parent or
		birth/adoption of child	Daughter or	Next-of-Kin
			Parent	
Annual	Yes	Yes	Yes	Yes
Comp Time	Yes	Yes	Yes	Yes
Donated	Yes	Yes	No	No
Holiday	Yes	Yes	Yes	Yes
Injury	Yes	No	No	No
Short-term disability	Yes	No	No	No
Sick	Yes	Yes	Call HR	Yes

Paid leave must be accrued before it can be used for any absence. An Employee cannot use Donated Leave, Injury Leave or Short-term Disability Leave until it is approved by Human Resources.

If an Employee does not have sufficient paid leave to cover the entire period of leave requested and approved, the balance of the Family or Medical Leave will be unpaid as long as the total of the paid leave and the unpaid leave does not exceed the maximum allowed per 12-month period.

<u>Return to Work:</u> Prior to return to work from a Serious Health Condition, the Employee must assure that his or her Health Care Provider has completed the "Health Care Provider's Release to Return to Work" form prior to his or her return to Active Status. The Employee must provide a copy of this form to his or her immediate supervisor and the original form to the Human Resources Department <u>on or before</u> his or her first day back to work. If job restrictions are noted, the Employer will evaluate whether a modified duty assignment is available and will meet with the Employee to discuss next steps.

The cost of the return-to-work certification shall be borne by the Employee.

Human Resources may contact the Employee's Health Care Provider for purposes of clarifying and authenticating the return-to-work certification.

<u>City and County Determination:</u> Based on the information provided to the Employer, the Employer shall determine if any paid leave taken by an Employee is to be counted as FMLA leave.

Intermittent Leave and Reduced Leave Schedule: In a limited circumstance as described below, an Employee who is eligible for Family or Medical Leave may be permitted to work a reduced schedule or receive periodic time off from work. In cases of a Serious Health Condition of the Employee or a family member (Spouse, Parent or Child), Serious Injury or Illness of a Covered Servicemember or Qualified Exigency, such leave may be granted in circumstances noted under the Family and Medical Leave Act. The Employee must submit the "Leave Request for Family or Medical Leave" form and the appropriate "Certification of Health Care Provider" form indicating the need for intermittent leave or reduced leave schedule. Where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the Employer may temporarily transfer the Employee to a comparable position that better accommodates the

Employee's recurring periods of leave if such a position is available and such transfer would be consistent with the needs of the Employer.

In other cases in which Employees are eligible for Family or Medical Leave, such as pregnancy and child care, adoption or placement of a Child, the Employer may review the individual circumstances involved in considering reduced schedule or intermittent leave requests. The Employer may take into account the Employee's length of service, number of requests, duties, work load and Employee's job performance in making such decisions. Intermittent leave will not be granted beyond 12 months following the birth of the Child or adoption or placement of a Child.

The Employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Employer's operation.

<u>Employment Protection:</u> Following FMLA leave, the Employee shall be returned to the same position held before taking the leave, or to a position which is equivalent in terms of employment benefits, hours, pay, and other working conditions. Subject to the applicable provisions of the Personnel Merit System, reinstatement may be denied if:

- 1. the Employee would not otherwise have been employed at the time reinstatement is requested;
- 2. the Employee is no longer qualified for the position and fails to fulfill the qualification conditions within a reasonable time following return to work.
- the Employee is unable to perform the position because of a physical or mental condition, including the continuation of a Serious Health Condition. This provision is subject to the requirements of the Americans with Disabilities Act.
- 4. the Employee is a <u>key Employee</u>, a salaried Employee among the highest paid 10% of Employees, and reinstatement would result in substantial and grievous economic injury to the Employer.

Impact on Health, Employee Assistance Program (EAP) and Dental Insurance: Health, EAP and dental insurance coverage will be continued for the Employee during the duration of the leave under the same conditions as if the employment was continuous, including providing the Employee with any new or additional coverage resulting from changes in the health, EAP or dental plans. The Employee is responsible for payment of any monthly Employee cost of insurance while on leave. The Employee may elect not to continue health or dental insurance coverage during leave, and upon return to work, shall be reinstated on the same terms and conditions as existed prior to taking leave without any qualifying period or need for physical examination.

Impact on Life, Accidental Death & Dismemberment (AD&D), and Long-term Disability (LTD) Insurance: Coverage under Life, AD&D and LTD insurance programs will be continued for the duration of the leave in accordance with provisions contained within the respective certificates of insurance.

<u>Impact on Other Benefits and Leave Accrual:</u> An Employee on unpaid FMLA leave will receive the Employer contribution towards insurance programs for the duration of his or her unpaid FMLA leave. See the section titled "Annual Leave" for a description of the impact on the annual leave accrual.

<u>Employee Remittance of Required Payments:</u> If the Employee is not in paid status, the Employee shall make arrangements with the Human Resources representative to remit timely payments. Failure to make timely payments may result in loss of coverage during the leave.

<u>Employer Recovery of Insurance Premiums:</u> If an Employee fails to return to work following unpaid FMLA leave, the Employer may seek recovery of the insurance premiums paid by the Employer.

Procedures:

- 1) The "Employee Rights and Responsibilities under the Family and Medical Leave Act General Notice" is available to all applicants, new hires and employees.
- 2) The Employee must notify the Employer either through his or her supervisor or to Human Resources directly of an absence that qualifies under Family or Medical Leave.
- 3) Once Human Resources has been notified, a "Notice of Eligibility and Rights and Responsibilities" form as well as the appropriate Certification form will be sent to the Employee. The Employee must complete and return the required forms to Human Resources within 15 calendar days. Failure to provide notification and appropriate certification in a timely manner may result in denial of Family or Medical Leave.
- 4) Upon receipt of the required forms, Human Resources will send the Employee a "Designation Notice" indicating whether or not the Family or Medical Leave has been approved. If further information or clarification is necessary, the Employee will have seven calendar days to supply it or the leave may be denied.
- 5) During the Family or Medical Leave, time off should be recorded on the timesheet with a designation from the Employee indicating which leaves are being applied to Family or Medical Leave.
- 6) During unpaid leave, the Employee must remit the appropriate premiums to Human Resources on or before the agreed upon deadline.
- 7) If the Employee's Family or Medical Leave period has been exhausted, and the Employee is still not able to return to work, the Employee must contact his or her supervisor and Human Resources to explore other options, if any.
- 8) If the Employee requests to be out longer than the maximum period he or she qualifies for under the Family and Medical Leave Act, the request will be forwarded to the appropriate approval level for consideration.

<u>Other Information:</u> Electronic access to the Family and Medical Leave Act: Code of Federal Regulations, Part 825; and the Compliance Guide to FMLA is available through Broomfield's intranet site

<u>Unlawful Acts:</u> The FMLA makes it unlawful for the Employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA.

<u>Enforcement:</u> The Employee may contact Human Resources if he or she has a complaint regarding this policy. A complaint may also be filed with the U.S. Department of Labor.

<u>DOMESTIC ABUSE LEAVE:</u> Subject to the provisions of this policy, Employees may be eligible for time off if they are the victims of the following statutorily defined events:

- 1. domestic violence or abuse;
- 2. stalking;
- 3. sexual assault; or
- 4. a crime found by a court on the record to include an act of domestic violence.

If an Employee has been with the Employer for more than 12 months and has been the victim of one of these statutorily defined events then he or she may request up to three working days off in a 12-month period. The Employee must use leave for one or more of the following reasons:

- 1. seeking a civil restraining order to prevent domestic abuse;
- 2. seeking services from a domestic violence shelter, program or rape crisis center as a result of domestic violence;
- 3. as a result of domestic abuse, stalking, sexual assault, or any other crime involving domestic violence:
 - Obtaining medical care or mental health counseling for himself or herself or his or her children to address physical or psychological injuries arising from the act or crime;
 - Making his or her home secure from the perpetrator or seeking new housing to escape the perpetrator;
 - Seeking legal assistance to address the issues and attending and preparing for court-related proceedings arising from the act or crime.

<u>Condition of Leave</u>: Domestic Abuse Leave will consist of available accrued paid leave and unpaid leave. The Employee must use all available accrued paid leave (annual leave, sick leave, holiday leave and compensatory time) before unpaid leave can be utilized.

<u>Calculation of the Twelve Month Period:</u> A "rolling" 12-month period is measured backward from the date an employee uses any Domestic Abuse Leave. Each time the employee takes Domestic Abuse Leave, the remaining leave would be the balance of the three days which has not been used during the preceding 12 months. Example: an employee takes one day on February 1, 2003; one day on beginning June 1, 2003 and one day on December 1, 2003. On February 2, 2004, the employee would be eligible for a new period of Domestic Abuse Leave.

<u>Notification Requirement:</u> The Employee completes the "Request for Domestic Abuse Leave" form and forwards said form to his or her supervisor. The supervisor acknowledges the request by signing the form and forwards the form to Human Resources for recordkeeping purposes. An Employee must notify his or her immediate supervisor of his or her need for leave at least 24 hours in advance of the use of leave except in cases of imminent danger to the health or safety of the Employee. Please note that some departments may require a longer period of advance scheduling.

The supervisor may require the Employee submit one or more of the following types of documentation to support the request for leave:

- 1. A police report indicating that the Employee was a victim of domestic violence;
- A court order protecting or separating the Employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the Employee appeared in court; or

3. Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the Employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

<u>PARENTAL INVOLVEMENT IN KINDERGARTEN THROUGH TWELFTH GRADE EDUCATION:</u> Subject to the provisions of this policy, non-supervisory Employees may be eligible for time off if they are the parent or legal guardian of a Child in grades kindergarten through twelfth grade in a public, private or home-based educational program and they require time off during an Academic Year to attend Academic Activities as defined in this section of the Leave Policy.

Definitions applicable to this section include:

Academic Activity

The term "Academic Activity" means the following meetings or conferences regarding the Employee's Child or any Child for whom the Employee is the legal guardian:

- 1. A parent-teacher conference; or
- 2. A meeting related to: special education services, as defined in § 22-20-103, C.R.S.; response to intervention, as defined in § 22-2-133 (4)(b), C.R.S.; dropout prevention; attendance; truancy; or disciplinary issues.

Academic Year: The term "Academic Year" means the period, not to exceed twelve consecutive months, allotted by a school for the completion of one grade level of study.

<u>Length of Time Off/Eligibility for Time Off:</u> This program permits Employees in non-supervisory positions up to 18 hours of time off in an Academic Year.

Employees must use this time off from work to attend an Academic Activity as defined in this section above.

Employees may request time off in up to three hour increments up to six hours in any one-month period and no more than eighteen hours in any Academic Year.

Employees are encouraged to make a reasonable attempt to schedule Academic Activities outside of regular work hours except in emergencies; employees are required to provide at least one calendar week advance notice to their supervisors for the need for time off.

Employees shall work with their supervisors to schedule the time off so that it is most convenient for the employee and the work team, if possible.

The City and County of Broomfield may limit the ability of an Employee to take parental involvement time off in cases of emergency or in other situations where the Employee taking time off may endanger a person's health or safety or in a situation where the absence of the Employee would result in a halt of service or production.

<u>Payment During Time Off:</u> Employees are required to use accrued annual, holiday and/or compensatory time for time off under this program. If no such accrued leave is available, the Employee shall request Leave without Pay and such time off shall be unpaid.

<u>Notification Requirement:</u> The Employee shall request time off through his or her supervisor at least one calendar week in advance of the Academic Activity, and the supervisor may request that the Employee submit written verification of the Academic Activity from the school or school

district. In the case of an emergency where the Employee cannot provide one calendar week notice in advance, the Employee shall provide the supervisor with notice of the need for time off as soon as possible once he or she becomes aware of the need for time off and shall provide the supervisor with written verification, if requested, upon return to work.

DEFINITIONS

This section defines certain terms used throughout this policy. The first letter of each of these words will be capitalized whenever it is used as defined below in this text.

Active Status

The term "Active Status" means the Employee's performance of duties at:

- 1. the Employer's usual place of business; or
- 2. any other business location to which the Employer requires the Employee to travel.

Unless disabled on the prior workday or on the day of absence, an Employee will be considered to be in Active Status on the following days:

- 1. a Saturday, Sunday or holiday which is not a scheduled workday; or
- 2. a paid annual leave day or other scheduled or unscheduled non-workday.

Child

The Employee's biological, adopted or foster child; a step-child; a legal ward; or a child of a person standing in the place of a parent (*in loco parentis*) who is under 18 years of age or 18 years of age and older and incapable of self-care because of a mental or physical disability.

Covered Service Member (for Servicemember Family Leave)

A Spouse, Son, Daughter, Spouse or Next of Kin of the Employee who is a 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 while on active duty that may render the servicemember medically unfit to perform his or her duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Daughter

The Employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the Employee stood *in loco parentis*.

Disability

The term "Disability" means a condition caused by an Injury or Sickness which causes the Employee to be absent from his or her regular duties on a full-time or reduced schedule basis.

Employee

The term "Employee" means a full-time employee hired to work in a continual, year-round position for a minimum of 2,080 hours in a calendar year (or proportionately less for an Employee hired during the calendar year). Part-time and temporary employees are not eligible for benefits under this policy.

Employer

The term "Employer" means the City and County of Broomfield, a Colorado municipal corporation and county.

Health Care Provider

The term Health Care Provider is defined in § 825.125 of the CFR and means 1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or 2) any other person determined by the Secretary of Labor to be capable of providing health care services. Other persons include but are not limited to podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law.

Immediate Family Member

The term "Immediate Family Member" means those individuals related to an Employee in the following manner: mother; father; stepmother; stepfather; foster mother; foster father; Spouse; mother-in-law; father-in-law; grandmother; grandfather; brothers; sisters; children, to include stepchildren and foster children; or any relative living in the Employee's household. This definition also applies to a person who the Employee identifies as his/her significant other or domestic partner whose primary residence or place of primary abode is the same as the Employee.

Inactive Status

The term "Inactive Status" applies to an Employee who is not working and who has exhausted all available leave benefits including leave without pay.

Injury The term "Injury" means bodily damage other than Sickness, including all related conditions and recurrent symptoms.

Mental Illness

The term "Mental Illness" means any disorder which impairs the behavior, emotional reaction or thought process of a person, regardless of medical origin.

Next of Kin

The nearest blood relative other than the Covered Servicemember's Spouse, Parent, Son or Daughter according to the order set out in § 825.122(d) of the CFR.

Parent

The biological, adoptive, step or foster parent of an Employee, or an individual who stood in place of the parent when the Employee was a child (*in loco parentis*). This definition does not include parents "in-law".

Personnel Merit System

The term "Personnel Merit System" means the personnel policies and rules of the Employer as codified in the Broomfield Municipal Code, Chapter 2-14.

Physician

The term "Physician" means:

- 1. A legally qualified medical doctor who is licensed to practice medicine, to prescribe and administer drugs or to perform surgery; or
- 2. Any other duly licensed medical practitioner who is deemed by applicable state law to be the same as a legally qualified medical doctor.

The term Physician does not include a person who resides in the patient's home or who is a member of the patient's Immediate Family. The Employer shall in no way disturb the physician/patient relationship.

Qualifying Exigencies

The term Qualifying Exigencies is defined in § 825.126 of the CFR and includes one or more of the following: 1) short notice deployment, 2) military events and related activities, 3) childcare and school activities, 4) financial and legal requirements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities.

Serious Health Condition

The term "Serious Health Condition" means a Sickness, Injury or Disability that involves either:

- Hospital Care Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential
 medical care facility, including any period of incapacity (i.e., inability to work, attend
 school, or perform other regular daily activities) or subsequent treatment in connection
 with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - 1. A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven days and both within 30 days of the first day of incapacity); or
 - One treatment by a health care provider (i.e., an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or
 - 2. Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or
 - Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or
 - 4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Serious Injury or Illness

The term Serious Injury or Illness means an injury or illness incurred by a Covered Servicemember in the line of duty on active duty that may render the Covered Servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

<u>Servicemember (for Qualifying Exigency Leave)</u>

A Spouse, Child or Parent of the Employee who is on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation.

Sickness

The term "Sickness" means a bodily disorder, disease, illness or pregnancy. The term Sickness includes Mental Illness and Substance Abuse.

Son

The Employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the Employee stood *in loco parentis*.

Spouse

Spouse means a husband or wife as defined or recognized under Colorado State Law for purposes of marriage, including common-law marriage in the State of Colorado.

Substance Abuse

A condition caused by regular excessive compulsive drinking of alcohol or taking of drugs that results in a chronic disorder affecting physical health and/or personal or social functioning.

Total Disability

The term "Total Disability" means a condition caused by an Injury or Sickness in which the Employee is unable to perform on a full-time basis 1) the duties of his or her occupation for wage or profit; or 2) any modified duty assignment.