LEAVE AND FMLA

EMPLOYEE’S GUIDE

Family Medical Leave Act (FMLA)
Paid and Unpaid Leave of Absence
Paid Leave Accruals
Emergency Leave
Sick Matching/Extended Sick Leave Contribution
Sick Leave Conversion
Short-Term Disability
Long-Term Disability
Workers’ Compensation
Sick Leave Conversion
Vacation Buy-Back

Current through 9/1/2015
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Attachments:

  i. Leave Request Form
  ii. PAF05 – For vacation sellback, sick conversion, or approved leave contribution
  iii. Recording FMLA in Vista – Instructions
  iv. Federal FMLA Rights and Responsibilities Poster
Leave Overview

Depending upon the condition or event of an employee or of an employee’s qualifying family member, leave may be taken in one or more of the following ways:

1. **Intermittently** – As needed or based on an estimated schedule or timeframe;
2. **Reduced Schedule** – A pre-determined and approved reduced schedule, most often the result of an FMLA-qualifying condition or event or a “reasonable accommodation” under the American’s with Disabilities Act (ADA);
3. **A continuous short period of time** – A block of leave lasting a few weeks, most often due to a major illness, injury, or other medical-related need.
4. **A continuous extended period of time** – A block of leave lasting longer than a few weeks, most often relating to maternity/paternity leave or to a major illness, injury, or other medical-related need that requires a longer recovery time.

A Leave of Absence (LOA) may be paid or unpaid, depending upon the circumstances of the condition or event and also upon the employee’s leave balances and qualifications to be eligible for various leave benefits. Depending upon the nature of the LOA, different approvals and certifications may also be required.

The purpose of this guide is to enable City of Boulder employees to understand all of these requirements relating to Leave and FMLA and to also inform employees of all possible benefits depending on union group, years of service and the nature of the leave.

For all Leave or FMLA-related questions, please contact HR at:

**LOA@bouldercolorado.gov**
303-441-3070
The Family and Medical Leave Act (FMLA) provides job-protected leave when an employee is facing a qualifying condition or event that requires time off from work. Eligible employees are entitled for up to 12 weeks of FMLA leave within a 12-month period.

Who is Eligible?

To be eligible for FMLA leave benefits employees must meet all of the following requirements:

- **Have worked for the City of Boulder for a total of 12 months**
  - Time worked does not need to be consecutive
  - Includes seasonal and temporary employment and breaks in service within the last 7 years
  - Military-related breaks in service are considered time worked and are included in the 12-month total

- **Have worked a total of 1250 hours in the last 12 months**
  - This averages to approximately 25 hours per week

- **Work within 75 miles of the City of Boulder**

What is a Qualifying Event?

**SERIOUS HEALTH CONDITION**
- The employee has a serious health condition.
- The employee is needed to care for a **spouse**, **child** or **parent** with a serious health condition.
- A Serious Health Condition is defined as:
  - Any condition that requires an overnight stay in a hospital or other medical care facility
  - Any condition that causes an employee or their family member to be incapacitated for more than 3 consecutive days and requires ongoing treatment or follow-up care
  - A chronic condition that causes occasional periods of incapacitation and treatment at least twice a year
  - Pregnancy, including prenatal medical appointments, incapacity due to morning sickness and medically required bed rest

**MILITARY FAMILY LEAVE**
- Reasons specifically related to certain military deployments and any other "qualifying exigency" arising out of the active duty or imminent active National Guard or Reserve duty in support of a contingency operation of the employee’s spouse, child or parent
- 26 weeks of FMLA leave is available in a 12-month period to care for a covered service member with a serious injury or illness

**EXPANDING YOUR FAMILY**
- Birth of a child and newborn bonding.
- Placement of a child for adoption or foster care and to bond with that child.
- Men and women have the same right to take FMLA leave, but it must be taken within one year of the birth, adoption, or placement or a foster child.
How Does FMLA Work?

Qualified employees are eligible for up to 12 weeks of FMLA leave within a 12-month period.

What is considered a 12-Month Period?
The City of Boulder measures the 12-month period forward, beginning on the first date that FMLA leave began. Thus, the 12-week balance does not renew until the anniversary of the first date of FMLA leave.

How are the 12 Weeks Calculated?

Regular Employees: Eligible employees who work a regular 40-hour workweek are eligible for up to 480 hours of FMLA leave within a 12-month period.

Part-time Employees: Eligible employees who work 20 hours per week are eligible for up to 240 hours of FMLA leave within a 12-month period. Eligible employees who work 30 hours per week are eligible for up to 360 hours of FMLA leave within a 12-month period.

IAFF Employees: Eligible IAFF employees whose regular workweek is 56 hours are eligible for up to 672 hours of FMLA within a 12-month period.

How much leave can be taken at one time?
FMLA leave may be taken all at once, or may be taken intermittently as the situation requires.

Continuous Block of leave
Under specific circumstances and when necessary, an employee may be approved to take a continuous block of FMLA leave at one time for up to 12 weeks.

Intermittent Leave/Reduced Schedule
Where medically necessary and for any qualifying military exigency, FMLA can be taken intermittently, either as a pre-determined reduced schedule or in designated smaller blocks of time, which must be pre-approved whenever possible.

Intermittent leave may be taken in increments as low as ¼ hour.

The City of Boulder policy maintains that employees requiring intermittent leave or a reduced-schedule as related to an approved designation must try to schedule leave so that it will not disrupt the department’s operations. The policy also maintains that an employee taking this type of leave may be required to transfer temporarily to another job with equivalent pay and benefits that better accommodates the required leave.

Getting Paid During FMLA Leave
As defined by the Family and Medical Leave Act, FMLA is an unpaid leave, however, the City of Boulder requires employees to exhaust all applicable accrued paid leave while on FMLA, beginning with sick leave, and including vacation, holidays and floating holidays. This paid time off runs concurrently with FMLA.

Once all applicable paid time off has been exhausted and no other paid leave benefits remain, the FMLA leave is without pay.

In the initial FMLA application, an employee may request approval to retain up to 1 workweek’s amount of sick leave. However, the City will not approve a bank of more retained sick leave hours than the employee has accrued or will accrue during the employee’s paid absence.
Extended Paid Leave Options While on FMLA Leave

Listed in this guide are some additional options for extending paid leave such as STD, LTD, sick matching and leave contribution.

Definitions of a Qualifying “Family” Member

Parent
Parent means biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a son or a daughter. This term does *not* include parents “in law”.

Child
Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

In Loco Parentis
In loco parentis is defined to include those with the day-to-day responsibilities to care for and financially support a child. Therefore, employees who have no biological or legal relationship with a child, may stand in loco parentis to the child and be entitled to FMLA leave. An eligible employee is also entitled to take FMLA leave for a person who stood in loco parentis to the employee when the employee was a child.

Civil Unions and Domestic Partnerships
Because FMLA is a federal protection, partners in a civil union or domestic partnership are recognized as legal spouses under the Act.

Married Employees
While permissible under FMLA regulations, The City of Boulder does not use the “same employer limitation” that requires married employees to share 12 weeks of FMLA leave in certain situations. Thus, every eligible employee is entitled to an individual 12 weeks of FMLA leave within a 12-month period.

City of Boulder’s Responsibility under the FMLA

Unpaid Leave
The City must provide up to 12 weeks of unpaid leave during any 12-month period for any qualifying and certified condition or event protected under the FMLA.

Insurance Coverage while on FMLA Leave
The City must maintain an employee’s group health insurance coverage as if they were still working while the employee is on FMLA leave. Employees are also required to continue paying their contribution towards their benefits while on FMLA leave. Payment arrangements while the leave is unpaid are approved by HR. Employees will receive a form indicating the expected amount they may have to pay from the Human Resources Department.
Job Protection and Restoration
At the end of a FMLA leave, the City must restore the employee to the same job or a similar job to what he or she had before, with the same pay, benefits and responsibility. The City cannot base employment decisions on an employee's decision to take FMLA leave.

Notice
If the City has enough information to conclusively determine that the leave falls under the FMLA, the City has the right to inform the employee of the determination and notify them that the leave will count towards their FMLA allowance.

Employee's Responsibility under the FMLA

Proper Notice of Need to Take FMLA Leave
When a leave is foreseeable, the employee must give a notice of 30 days notice concerning their intention to take FMLA leave. When the leave is not foreseeable, employees MUST inform HR of the leave as soon as is practicably possible. While not required to provide the exact diagnosis, employees are required to give enough information to determine whether the type of leave requested is a qualifying condition or event under FMLA.

Employees are expected to comply with all Applicable Procedures, Rules and Policies regarding Leaves of Absence.

Medical Opinions, Certification and Other Documentation as Required
The City of Boulder requires the following documentation:
1. Medical certification for a request for leave resulting from a serious medical situation of the employee or the employee’s qualifying family member.
2. For a Work Related Injury, a certification is provided by Workers’ Compensation. Once that certification is received, an official designation will be issued to the employee.
3. For a block of FMLA leave, as a result of a serious injury, accident or surgery, where the employee is unable to perform their job, the City of Boulder requires a Fitness-for-Duty/Return to Work form indicating the employee’s capacity to safely resume full or light duty.

The City of Boulder may require any of the following as additional documentation:
1. Second and third opinions (paid for by the City) of a serious medical condition
2. Periodic recertification of a serious medical condition, not to exceed once every month.
3. Status updates and/or intention to return to work report(s) while utilizing FMLA leave.
4. Documentation confirming family relationship, adoption or foster care.

To request FMLA Leave, please complete the Leave Request Form.
Recording and Tracking FMLA Leave

BMEA and MGMT Employees are responsible for tracking their FMLA use. FMLA must be tracked using BOTH Time Entry and the FMLA Tracking Log.

**Time Entry:**
In Time Entry, a line of unpaid FMLA leave equivalent to all leave taken for an FMLA event must also be coded. This means there will be 2 lines recorded in your time entry for all FMLA-related time.

If a representative enters your time, you are required to inform your supervisor or payroll coordinator of ALL leave that is FMLA, whenever possible.

Please see the attachments for visual instructions on recording FMLA in Vista.

**Tracking Log:**
An FMLA Tracking Log is issued upon approval of FMLA designated leave. The log may be completed in Excel or by hand. More detailed instructions are provided within the issued Tracking Log once approved for FMLA leave.

**IAFF /BPOA Employees:**
*IAFF and BPOA employees track their leave through their Administrative staff and are required to inform their supervisor or administrative personnel of all leave taken in relation to an FMLA event.*
Certifying and Approving a LOA (paid or unpaid) under FMLA

A leave of absence that qualifies under the FMLA must be certified as FMLA. FMLA leave may last for up to 12 weeks of leave. If more than 12 weeks will be needed, approval for non-FMLA will need to be submitted in order to request leave lasting longer than 12 weeks.

If the FMLA leave is unpaid or will become unpaid (so long as the leave is considered FMLA), there will be no impact to benefits, accruals, or merit increases. After exhaustion of the 12 weeks, leave is no longer considered FMLA and not protected or administered as such.

Certifying and Approving an LOA that is not FMLA

An employee who is not eligible for FMLA or who is facing an event or condition that does not qualify under FMLA may complete a Leave Request Form, requesting a LOA. However, a medical leave of absence may only be approved for employees with at least 1 year of service, in good standing and may not exceed 90 days. The LOA form is saved in the employee’s file.

If the LOA will be paid:
- The employee must indicate on the form how much paid leave will be used during the leave
- The employee will be required to submit medical or military certification
- The form must then be approved by the supervisor and submitted to HR

If the LOA will be unpaid:
- Employees must have at least 1 year of service (unless the leave is an accommodation under the ADA),
- If the unpaid leave will last less than 10 days, the form needs to indicate the begin date, probable return date, and reason for leave. It must be approved by the supervisor and submitted to HR. The leave must also be approved by the Fire Chief or the Police Chief if applicable.
- If the unpaid LOA will last longer than 10 days, first the supervisor must approve the application, followed by approval from the director of the employee’s department. The application also requires written approval from the Human Resources Director. Please complete the Leave Request Form to begin the process.
- If the unpaid LOA will last longer than 10 days, medical certification must be provided through the form of a Doctor’s letter or another reasonable manor and the City may request periodical updates from the treating medical provider
- An unpaid LOA may impact benefits, leave accruals, and merit increases as indicated below
Impacts of an Unpaid LOA

Benefits:

If the LOA will be paid:

- When an employee has enough paid leave to cover the entire length of their approved and/or certified LOA, there is no impact on their benefits premium contributions, their leave accruals, or applicable merit increases.

If the LOA will be unpaid:

- BMEA and MGMT employees must be paid for 16 days within a calendar month in order to receive the full City’s contribution toward their benefits premium.
  - MGMT employees must pay the employer portion if this does not occur employees will receive a form indicating the expected amount they may have to pay from the Human Resources Department.
  - BMEA employees must pay half of the City’s contribution if this does not occur. Under specific guidelines, reimbursements for these payments are available to BMEA employees. To receive reimbursement, the employee must submit a written commitment of the intention to return to work. Once the employee has returned, they will receive the reimbursement on the 7th pay period following the return.
- Police and Fire employees must pay the full amount of their benefits for an unpaid LOA lasting longer than 1 month. This will not be reimbursed.

Leave Accrual:

- Employees do not accrue leave while on unpaid LOA
- Employees are NOT paid for holidays that occur during an unpaid leave of absence

Merit Increase:

Depending on the employee’s group, their merit increase may be impacted:

**BMEA & MGMT/Non-Union:** Time spent on leave of absence shall not be considered for the purpose of determining eligibility of merit increase or completion of probationary status.

**IAFF:** No seniority shall be accumulated during a leave of absence without pay. Such a leave of absence shall extend by the length of the leave any benefit or eligibility based on seniority. Absences without pay in excess of one (1) month shall extend entitlement to the next step by the amount of such leave. For example, if an employee was out on leave for six (6) months the date that they would move to the next step would be altered by five (5) months.

**BPOA:** An employee on leave of absence without pay shall not accumulate seniority during his/her absence, and upon his/her return to duty an employee’s seniority shall be adjusted according to the length of his/her absence. Absences without pay in excess of one (1) calendar month shall extend entitlement to the merit increase by the amount of such leave. For example, if an employee was out on leave for six (6) months their leave date would be altered by five (5) months.
Paid Leave Accruals

Maximum Accruals by Group

**MGMT/Non-Union**

**VACATION**: May accrue up to **320 hours**. Unused accrued vacation is paid out upon retirement/termination.

**Accrues every Pay Period according to the following:**

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Weekly Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
</tr>
<tr>
<td>First 0-2 years</td>
<td>3.39</td>
</tr>
<tr>
<td>At 2 years</td>
<td>5.24</td>
</tr>
<tr>
<td>At 5 years</td>
<td>7.08</td>
</tr>
<tr>
<td>At 14 years</td>
<td>8.93</td>
</tr>
</tbody>
</table>

**SICK**: Accrues every Pay Period at a rate of **4.31 hours** for FTE’s to an unlimited amount, but is **not** paid out upon termination. (The accrual rates are pro-rated based on the weekly hours that an employee is scheduled for on a regular basis.)

**BMEA**

**VACATION**: May accrue up to **280 hours**. Unused accrued vacation is paid out upon retirement/termination.

**Accrues every Pay Period according to the following:**

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Weekly Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
</tr>
<tr>
<td>First 0-2 years</td>
<td>3.39</td>
</tr>
<tr>
<td>At 2 years</td>
<td>4.62</td>
</tr>
<tr>
<td>At 5 years</td>
<td>4.93</td>
</tr>
<tr>
<td>At 7 years</td>
<td>5.24</td>
</tr>
<tr>
<td>At 10 years</td>
<td>5.85</td>
</tr>
<tr>
<td>At 13 years</td>
<td>6.47</td>
</tr>
<tr>
<td>At 15 years</td>
<td>7.08</td>
</tr>
<tr>
<td>At 18 years</td>
<td>7.39</td>
</tr>
</tbody>
</table>

**SICK**: Accrues every Pay Period at a rate of **4.31 hours** for FTE’s to an unlimited amount, but is **not** paid out upon termination. (The accrual rates are pro-rated based on the weekly hours that an employee is scheduled for on a regular basis.)
BPOA

VACATION (“Personal Leave”)

Employees cannot roll over more than **450 hours** at the end of the year and the vacation bank must not exceed **570 hours** at any time during the year. An employee **Must work for 6 months before they are authorized to use “personal leave” or vacation.**

Accrues every Pay Period according to the following:

<table>
<thead>
<tr>
<th>Years of Continuous Service</th>
<th>Hours/Pay Period</th>
<th>Hours/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>First 0-3 years</td>
<td>6.85</td>
<td>178</td>
</tr>
<tr>
<td>At 3 years</td>
<td>7.77</td>
<td>202</td>
</tr>
<tr>
<td>At 7 years</td>
<td>8.70</td>
<td>226</td>
</tr>
<tr>
<td>At 10 years</td>
<td>9.31</td>
<td>242</td>
</tr>
<tr>
<td>At 12 years</td>
<td>9.93</td>
<td>258</td>
</tr>
<tr>
<td>At 13 years</td>
<td>10.54</td>
<td>274</td>
</tr>
<tr>
<td>At 14 years</td>
<td>11.16</td>
<td>290</td>
</tr>
</tbody>
</table>

**SICK:** Accumulated without limit, but is **not** paid out upon termination.

Accrues every Pay Period according to the following:

<table>
<thead>
<tr>
<th>Hired</th>
<th>0-48 Months of Service</th>
<th>48+ Months of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before Jan 1, 2001</td>
<td>4.62</td>
<td>4.62</td>
</tr>
<tr>
<td>After Dec 31, 2000</td>
<td>3.85</td>
<td>4.62</td>
</tr>
</tbody>
</table>

The accrual rates are pro-rated based on the weekly hours that an employee is scheduled for on a regular basis.
IAFF

**SICK:** Accumulated without limit, but is **not** paid out upon termination.

Accrues every Pay Period according to the following:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Hours/PP</th>
<th>Days/Year (approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>40-hour weekly</td>
<td>4.00</td>
<td>13</td>
</tr>
<tr>
<td>24-hour shift</td>
<td>7.38</td>
<td>8</td>
</tr>
</tbody>
</table>

**VACATION**

May not roll over more than **40 days** for both 40-hour and 24-hour employees. Unused accrued vacation is paid out upon retirement/termination. *An employee *Must* work for 6 months before they are authorized to use vacation.*

Accrues every Pay Period according to the following:

<table>
<thead>
<tr>
<th>Years of Continuous Service</th>
<th>40-Hour Week</th>
<th>24-Hour Shift</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hours per 80 Hour PP</td>
<td>8 Hour Days per Year</td>
</tr>
<tr>
<td>First 0-5 years</td>
<td>3.08</td>
<td>10</td>
</tr>
<tr>
<td>At 5 years</td>
<td>4.00</td>
<td>13</td>
</tr>
<tr>
<td>At 6 years</td>
<td>4.31</td>
<td>14</td>
</tr>
<tr>
<td>At 7 years</td>
<td>4.62</td>
<td>15</td>
</tr>
<tr>
<td>At 8 years</td>
<td>4.93</td>
<td>16</td>
</tr>
<tr>
<td>At 9 years</td>
<td>5.23</td>
<td>17</td>
</tr>
<tr>
<td>At 15 years</td>
<td>5.54</td>
<td>18</td>
</tr>
<tr>
<td>At 16 years</td>
<td>5.85</td>
<td>19</td>
</tr>
<tr>
<td>At 17 years</td>
<td>6.16</td>
<td>20</td>
</tr>
<tr>
<td>At 18 years</td>
<td>6.47</td>
<td>21</td>
</tr>
<tr>
<td>At 19 years</td>
<td>6.77</td>
<td>22</td>
</tr>
</tbody>
</table>
Sick Leave Guidelines

If sick leave exceeds 3 or more consecutive days:

1. **Human Resources must be notified.** Under Federal law, eligibility for FMLA should be verified and an eligibility packet should be sent to the employee.

2. Medical verification may be requested.

3. A Fitness-for-duty/Return to Work Form may be required before returning to work.
Emergency Leave

Should an employee have a death in their family or have a family member with a life-threatening illness or injury, the employee may be eligible for Emergency Leave. Emergency Leave entitlements are based on status, the incident, and Union group. The definition of a family member also differs based on each policy/bargaining unit. The chart below provides an overview of this benefit.

If a Leave Request Form is required, the Emergency Leave section of the form must be completed, signed by the required approvers and submitted to: LOA@bouldercolorado.gov

<table>
<thead>
<tr>
<th>Non-Union</th>
<th>BMEA</th>
<th>BPOA</th>
<th>IAFF</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Eligibility</strong></td>
<td>All MGMT/Non-Union Employees</td>
<td>Non-Probationary BMEA Employees</td>
<td>All BPOA Employees</td>
</tr>
<tr>
<td><strong>Qualifying Reason</strong></td>
<td>Grave illness, injury or death of any family member, including in-laws (child, sibling, parents &amp; grandparents-in-law only)</td>
<td>Grave illness or death of any family member, including in-laws (child, sibling, parents &amp; grandparents-in-law only)</td>
<td>Death of family member, including in-laws and romantic partners.</td>
</tr>
<tr>
<td><strong>Amount Given</strong></td>
<td>Up to 5 days per calendar year</td>
<td>Up to 6 days per calendar year</td>
<td>Up to 5 days per incident</td>
</tr>
<tr>
<td><strong>Required Approvals</strong></td>
<td>Supervisor</td>
<td>Supervisor and Department Head</td>
<td>Determined by Department</td>
</tr>
<tr>
<td><strong>Leave Request Form Required</strong></td>
<td>YES</td>
<td>YES</td>
<td>No</td>
</tr>
<tr>
<td><strong>Exceptions/Extensions</strong></td>
<td>No</td>
<td>No</td>
<td>Yes, with Police Chief approval</td>
</tr>
<tr>
<td><strong>Policy or Contract</strong></td>
<td>Paid and Unpaid Leave of Absence Policy (Article XXIV)</td>
<td>BMEA Contract (Article XXIV)</td>
<td>BPOA Contract (Article 21)</td>
</tr>
</tbody>
</table>
Sick Matching/Extended Sick

What is Sick Matching/Extended Sick?
Sick Matching is a benefit offered to eligible employees when their sick leave balance will be exhausted due to leave resulting in total incapacitation, as the result of serious illness or injury.

Who is Eligible?

<table>
<thead>
<tr>
<th>MGMT</th>
<th>BMEA</th>
<th>BPOA</th>
<th>IAFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>3+ years of service</td>
<td>5+ years of service</td>
<td>Not Eligible</td>
<td>Not Eligible</td>
</tr>
</tbody>
</table>

How Does Sick Matching/Extended Sick Work?
When an employee is unable to perform the functions of their job and is completely incapacitated due to an injury or illness or for leave for pregnancy and maternal bonding, if eligible, the employee may be granted additional sick time, not to exceed (whichever comes first):

1. The amount needed for the total inability to work
2. The total balance of sick accrued on the first day the leave began
3. 90 days

The employee needs to exhaust only their sick balance in order to utilize this benefit and may retain other paid leave accruals, until the sick and the sick match have both been exhausted.

Administration Process
Once it has been determined that an employee is in need of and eligible for a sick match, the following steps must occur:

1. **SUPERVISOR ACKNOWLEDGEMENT** – To initiate the sick matching/extended sick process, the supervisor of the employee must send an email to LOA@bouldercolorado.gov, acknowledging that the employee will be utilizing this benefit and on what day the leave began or will begin. HR will then inform the supervisor and the employee of the eligibility and of the allowed sick match amount which is equal to the total sick balance on first day of leave.

2. **CERTIFICATION** – The employee must submit certification from a medical provider, verifying that they are totally incapacitated and unable to work
   a. If leave is also designated as FMLA, the FMLA certification form is sufficient for this requirement, provided that it indicates the period of total incapacity

3. **TIME ENTRY** – While on leave, the employee may record sick as a negative amount until the negative amount reaches one of the listed limitations (amount needed according to certification, the sick match amount, or 90 days). HR will track the balance to ensure sick match amount is not exceeded.

4. **RETURN TO WORK/FITNESS-FOR-DUTY** – Anytime an employee is on leave for more than three days because they have been unable to perform the functions of their job, a Fitness-For-Duty/Return to Work must be submitted before an employee can return to work.
   a. Failure to submit a return to work could result in delay in returning, disciplinary action, up and to termination.
Leave Contribution

What is a Leave Contribution?
A leave contribution is an employee to employee transaction and is NOT considered a City of Boulder benefit. Under the policy, employees may donate accrued vacation time to assist a fellow employee who has been approved for a contribution toward a qualifying need for leave.

Who is Eligible?
Any standard, non-probationary employee of the City of Boulder.

What qualifies a Leave Contribution?
When an employee is facing a personal illness crisis (their own illness or that of an immediate family member OR anything that falls within FMLA qualifications, such as pregnancy) and will subsequently exhaust ALL paid leave accruals (sick, vacation, and floating holiday).

Note: If an employee is eligible and qualifies for Short-Term Disability and/or Long-Term Disability, this benefit paperwork must be initiated and submitted to the appropriate carriers. (STD is PERA, LTD is The Standard).

APPROVAL AND ADMINISTRATION PROCESS
Once it has been determined that an employee is in need of and eligible for a leave contribution, the following steps must occur:

1. SPONSOR – Because this is an employee to employee transaction, a sponsor must first initiate the contribution. Any co-worker may act as the sponsor and solicit donations, upon agreement with the potential recipient. Confidentiality is of the utmost importance due to protected health information.
   a. Sponsor obtains written authorization (see Step 2) before any solicitation occurs
   b. Sponsor informs HR of their intent to act as sponsor for a named employee
   c. Upon authorization, sponsor solicits and collects donations within a reasonable timeframe
   d. Sponsor submits the contribution to LOA@bouldercolorado.gov in a single packet. (Individual PAF05s are not accepted)

2. AUTHORIZATION – The sponsor will obtain written approval from the direct supervisor and the department head of the contribution recipient, along with an indicated cap (if any) on the amount of time allowed to be donated. The following will be considered for authorization:
   a. Budget: The recipients department will pay for the leave time and must also ensure the employee’s work is achieved through other means. This will be paid for through existing budgeted monies. The department head may set a limit/cap on the amount of leave that is allowed to be donated.
   b. Performance: Employee must be in good standing.
3. **DONATIONS** – To donate, the form **PAF05** (available in the attachments) is completed by the donating employee. They only need to check the Vacation/Sick Adjustments box at the bottom of the form and indicate on the explanation line how many vacation hours and to whom they are donating to. Only the employee needs to sign this form.

   a. Employees may donate accrued vacation that exists in their balance. One hour of vacation is donated toward one hour of sick.
   b. Donations should be solicited from close co-workers and not through a mass email.
   c. The recipient may only use donated leave for approved leave relating to the applicable personal illness crises.
   d. Donated sick may be retroactively used toward recent unpaid leave taken as a result of the crises.

4. **SUBMISSION OF PACKET TO HUMAN RESOURCES** – The sponsor must prepare and submit all documentation to HR as a single packet. The packet must include:
   a. Written authorization from recipient’s supervisor and department head (This piece may be submitted ahead of time to the department’s HRM as notification of an impending contribution)
   b. Completed PAF05 forms from EVERY donor, stating the amount of vacation leave they wish to donate, signed only by the donor. (Individual PAF05s will not be accepted.)
   c. A worksheet/spreadsheet indicating:
      i. The recipient’s name and employee ID
      ii. A listing of each donor with the specific number of hours donated
      iii. A total of the entire amount donated
   d. Packet may be submitted via email (**LOA@bouldercolorado.gov**), interoffice mail or may be dropped off at the front desk
   e. HR will monitor to determine when donations should be processed
   f. A copy of the packet is given to payroll for processing and saved in employee’s file
Sick Leave Conversion

An employee who would like to make a leave contribution to another employee who has an abundance of sick days and may not have as many vacation days may want to take advantage of the Sick Leave Conversion option that the City offers to employees.

*To process a Sick Leave Conversion, please complete the [PAF05](#), available in the attachments.*

**MGMT/NON-UNION**

Only SICK97 balances are convertible to pay or vacation. Regular SICK hours are not convertible to pay or vacation.

In 1997, qualified employees in the Management/Non-union group who had a minimum of five years of service and a sick leave balance at the last pay period had their sick leave hours converted to a “Frozen Convertible Sick Leave” bank, shown as “SICK97” in the payroll system. Employees hired after 1997 are not eligible to convert sick leave to SICK97 banks, pay or vacation.

When an employee has accumulated over 960 hours of total sick leave, (convertible and non-convertible combined,) she/he may convert SICK97 hours to vacation at the rate of **two (2) sick leave hours for one (1) vacation hour** subject to the following:

- That after the conversion, the total remaining sick leave hours (convertible and non-convertible combined) must equal at least 960.
- That after the conversion, the total resulting vacation-holiday leave hours do not exceed the 673-hour maximum vacation-holiday leave balance per the Vacation Leave Policy.

**BMEA**

When an employee has accumulated 640 hours of sick leave, they may convert sick hours beyond this amount to vacation hours at the rate of **two (2) sick hours for one (1) vacation hour**. The employee’s vacation balance resulting from such conversion may not exceed 280 hours.

**IAFF**

When a 40 hour/week employee has accumulated 640 hours of both sick leave banks, they may convert sick days beyond this point to vacation days at the rate of **two (2) sick days for one (1) vacation day**. The employee’s vacation and holiday balance resulting from such conversion may not exceed 320 hours into Pay Period 1 of the following year nor at retirement or termination.

When a 24 hour/shift employee has accumulated 1152 hours of both sick leave banks, they may convert sick days beyond this point to vacation days at the rate of **two sick days for one vacation day**. The employee’s vacation and holiday balance resulting from such conversion may not exceed 960 hours into Pay Period 1 of the following year nor at retirement or termination. For more information please review the IAFF contract.
BPOA

Once every 6 months, a New Hire Pension BPOA employee who has not used any sick leave for 6 continuous months and has accumulated more than 240 hours of sick leave, they may convert excess sick hours, up to, but not to exceed the lesser of 100 hours or the employee’s bank of sick leave with a cash/conversion value, to vacation hours at the rate of two (2) sick hours for one (1) vacation hour. The employee’s vacation leave balance resulting from such conversion may not exceed 490 hours.

When a New Hire Pension BPOA employee has accumulated more than 640 hours of sick leave, they may convert excess sick hours, not to exceed the employee’s bank of sick leave with a cash/conversion value, to vacation leave hours at the rate of two (2) sick hours for one (1) vacation hour. The employee’s vacation leave balance resulting from such conversion may not exceed 490 hours.

At the end of November of each calendar year, New Hire Pension BPOA employees who have used less than 40 hours of sick leave shall have the option of converting all remaining sick leave accrued during that year, not to exceed the employee’s bank of sick leave with a cash/conversion value, to vacation leave at the rate of two (2) sick hours for one (1) vacation hour. The employee’s resulting vacation leave balance may not exceed 490 hours. For more information please review the BPOA Contract.
Short-Term Disability (STD)

Short-Term Disability is offered through PERA to employees with **5 years of service credit** when a medical condition prevents them from being able to work within their original capacity. Short-term disability must be utilized, (if applicable) in order to utilize some other City leave benefits, such as a leave contribution.

**Who is eligible for STD?**

1. Employees with 5 years of service with PERA (*purchased* service credits do not count)
   
   a. This service credit can be from any PERA employer and does not need to be continuous, however, a minimum of 6 months from the current employer must have been earned by the date of application.

2. Employee must not have taken a distribution from a PERA account

3. Employee must not be eligible for service retirement or disability retirement (20 years of service and over the age of 50)

**What Qualifies for STD?**

- **Any medical condition** (not self-inflicted) preventing the employee from performing the essential functions of the job with reasonable accommodation as required by federal law under the ADA

- When an employee is **medically** unable to earn 75 percent of pre-disability earnings from PERA-covered employment from any job given existing education, training, and experience

- When an employee is not totally and permanently medically incapacitated from regular and substantial gainful employment.

- When the medical condition causing the disability is:
  
  - Physical, mental or a combination of both; or
  
  - Undergoing appropriate treatment by a physician with the appropriate specialty.

**When an Employee no Longer Works for the City**

These employees are still eligible, however, the application for STD must be received within 90 days after the date of termination.

**Utilizing STD Benefits**

The waiting period for benefits is 60 consecutive calendar days after the day an employee’s disability begins. An employee’s disability must continue during this period. An employee may be able to meet this 60-day waiting period while working part-time if an employee is disabled. Also, an employee may temporarily return to work for up to 30 days during this waiting period, if approved by Unum; however, an employee’s disability must continue to be from the same medical condition. The days an employee has temporarily returned to work will not count as part of the 60-day period nor will they cause the waiting period to start over, but they will extend the 60-day period by the number of days an employee works.
For STD, Unum must determine that, as a result of an employee’s medical condition, they meet the following three requirements:

1. An employee is medically incapacitated from performing the essential functions of their own job with reasonable accommodations as required by federal law. Working an average of more than 40 hours per week is not an essential function.
   - “Essential functions” include types of material duties that an employee was regularly performing prior to disability if such duties cannot be reasonably modified or omitted.
   - “An employee’s own job” means any employment, business, trade, or profession that involves essential duties of the same general character as the job they are regularly performing for the employer when disability begins. Unum will look not only at the way an employee performs their job for the employer, but also at the way the occupation is generally performed for other employers within the state of Colorado.

2. An employee is medically unable to earn at least 75 percent of their pre-disability earnings from PERA-covered employment in any job they are able to perform, based on their education, training and experience, regardless of whether they do so. (This is based on medical ability to earn from employment and self-employment, but not from passive investment sources, such as interest on a savings account.)

3. An employee is not totally and permanently incapacitated from all regular and substantial gainful employment. If the incapacity is total and permanent, they will not receive STD payments, but they may be eligible for disability retirement benefits.

This determination is based on the employee’s ability to work, not whether they actually work.

No STD payments will be made if the disability is the direct result of any intentionally self-inflicted injury.

For more information on the waiting period, please see the “Colorado PERA Disability Program” brochure available from the Human Resources Department.

Payment from STD...

The maximum monthly amount of an employee’s STD payment will be 60 percent of their average monthly pre-disability PERA-includable salary. This is based on the 12 consecutive calendar months immediately preceding an employee’s last full day on the job prior to the 60-day waiting period.

For more information on the payment of STD, please see the “Colorado PERA Disability Program” brochure available from the Human Resources Department.

How to apply?
To apply, an employee must complete the STD application form. Despite the waiting period, applications for disability should be submitted as soon as possible (as soon as an employee is out of work for an extended time) – even if it is not known if STD will actually be needed or for how long the disability will last.
What is the process for communication and administration?
STD is a benefit for eligible employees but it is not handled by the City of Boulder. Benefits are administered through UNUM (including the medical review) after PERA has determined eligibility. The City of Boulder receives very little information on the claim. The employee must communicate directly with PERA prior to eligibility confirmation and with UNUM once the application has been handed over. In most circumstances, PERA and UNUM will only communicate with the employee and will not provide the City with any information if contacted by HR. Pera or UNUM may request information from the City, this information must be delivered as quickly as possible back to the carriers.

When does Short-Term Disability become Long-Term?
Long-Term Disability has a 90-day waiting period. In conjunction with STD, applications for Long-Term Disability should also be submitted if the employee has this benefit. All full time BMEA employees have LTD while part time BMEA and MGMT/Non-Union Employees have the option to purchase it during open enrollment. See the LTD section for more information on this benefit.

What about the other 40% of the salary?
This can be combined with Paid Leave Accruals and other benefits offered through the City to reach 100%.

What about employees who are Permanently Disabled?
Employees considered totally and permanently disabled from regular and substantial gainful employment must qualify for disability retirement benefits. The amount given is based on Highest Average Salary (HAS) and earned, purchased, and, in some cases, projected service credit and are payable as long as the employee remains disabled.

Is Short-Term Disability protected leave?
The goal of STD is often to help employees return to work in a practical way. However, STD is not a protected leave although it does run concurrently with FMLA. As in any circumstance, an employee who is eligible for FMLA and has properly certified their leave will receive 12-weeks of protected FMLA leave. Once the 12-weeks have been exhausted, the leave is no longer under Federal FMLA protection, even if receiving short or long-term disability benefits. It is up to the supervisor, department, and HR to approve a leave of absence and to determine next steps after an employee has exhausted FMLA.
MGMT & BMEA Employees

Long-Term Disability (LTD) is offered through The Standard Insurance Company (The Standard) at no cost to all Full Time BMEA employees and at a cost of .32% of pay for all Part Time (20/30hrs) BMEA employees and all Management employees whether full time or part time. Employees who elect this benefit will receive 50% of their pay when a medical condition prevents them from being able to work within their Own Occupation or Any Occupation for more than 90 days. Long-term disability must be utilized, if applicable in order to utilize some other City leave benefits, such as a leave contribution.

Who is eligible for LTD from The Standard?

1. All BMEA and Management Employees who work at least 20 hours a week AND have elected LTD coverage
   a. Full Time BMEA employees receive LTD at no cost;
   b. Part Time BMES employees pay .32% of their pay for LTD;
   c. Full Time and Part Time Management employees pay .32% of their pay for LTD.

What Qualifies for LTD?

Own Occupation Definition of Disability - You are required to be disabled only from your own occupation

- You are Disabled from your Own Occupation if, as a result of Physical Disease, Injury, Pregnancy or Mental Disorder:
  1. If you are unable to perform with reasonable continuity the Material Duties of your Own Occupation; and
  2. If you suffer a loss of at least 20% in your pre-disability earnings when working in your Own Occupation.
     * Note: You are not Disabled merely because your right to perform your Own Occupation is restricted.

- During the Own Occupation Period you may work in another occupation while you meet the Own Occupation Definition of Disability. However, you will no longer be considered Disabled when your Work Earnings from another occupation meet or exceed 80% of your work salary.

- Own Occupation means any employment, business, trade, profession, calling or vocation that involves Material Duties of the same general character as the occupation you are regularly performing for the City of Boulder when your Disability begins.
Any Occupation Definition of Disability – During the Any Occupation Period you are required to be disabled from all occupations.

- You are Disabled from all occupations if, as a result of Physical Disease, Injury, Pregnancy or Mental Disorder, you are unable to perform with reasonable continuity the Material Duties of Any Occupation.

- Any Occupation means any occupation or employment which you are able to perform, whether due to education, training, or experience, which is available at one or more locations in the national economy and in which you can be expected to earn at least 60% of your pre-disability earnings within twelve months following your return to work, regardless of whether you are working in that or any other occupation.

- Material Duties means the essential tasks, functions and operations, and the skills, abilities, knowledge, training and experience, generally required by employers from those engaged in a particular occupation that cannot be reasonably modified or omitted Utilizing LTD benefits...

There is a 90-day waiting period. After 90 days of being continuously disabled in any qualifying capacity, an employee is paid 50% of the pre-disability earnings to a maximum of $8,000 per month. The Maximum Benefit Period for LTD is as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>Maximum Benefit Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>61 or younger</td>
<td>To Age 65, or SSNRA*, or 3 years 6 months, whichever is longest</td>
</tr>
<tr>
<td>62</td>
<td>To SSNRA*, or 3 years 6 months, whichever is longer.</td>
</tr>
<tr>
<td>63</td>
<td>To SSNRA*, or 3 years, whichever is longer.</td>
</tr>
<tr>
<td>64</td>
<td>To SSNRA*, or 2 years, whichever is longer.</td>
</tr>
<tr>
<td>65</td>
<td>2 years</td>
</tr>
<tr>
<td>66</td>
<td>1 year 9 months</td>
</tr>
<tr>
<td>67</td>
<td>1 year 6 months</td>
</tr>
<tr>
<td>68</td>
<td>1 year 3 months</td>
</tr>
<tr>
<td>69 or older</td>
<td>1 year</td>
</tr>
</tbody>
</table>

*SSNRA = Social Security Normal Retirement Age means your normal retirement age under the Federal Social Security Act, as amended.

How to apply?
The employee must complete a claim form provided by The Standard. Employees must give Proof of Loss within 90 days after the end of the 90 day elimination period. If this is not possible, employees must send it in as soon as is reasonably possible, but not later than one year after the 90 day elimination period. If Proof of Loss is filed outside of these limits, the claim will be denied. These limits will not apply if an employee lacks legal capacity.

Proof of Loss means written proof that an employee is Disabled and entitled to LTD Benefits. Proof of Loss must be provided at the employee’s expense.

For claims of Disability due to conditions other than Mental Disorders, The Standard may require proof of physical impairment that results from anatomical or physiological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.
**Completed Claims Statements, Proof of Loss, a signed authorization for The Standard to obtain information about the employee, and any other items that may be reasonably required to support a claim must be submitted at the employee’s expense.**

**What is the process for communication and administration?**
LTD is a benefit for eligible employees but it is not handled by the City of Boulder. Benefits are administered through The Standard (including the medical review) and the City of Boulder receives very little information on the claim. The employee must communicate directly with The Standard during the claims process. In most circumstances, The Standard will only communicate with the employee and will not provide the City with any information if contacted by us. Periodically, information from the employer may be requested from The Standard, which must be delivered as timely as possible.

**What about the other 50% of the salary?**
This can be combined with Paid Leave Accruals and other benefits offered through the City to reach 100%.

**What about employees who are Permanently Disabled?**
Employees considered totally and permanently disabled from regular and substantial gainful employment must qualify for disability retirement benefits. The amount given is based on Highest Average Salary (HAS) and earned, purchased, and, in some cases, projected service credit and are payable as long as the employee remains disabled.

**Is Long-Term Disability a protected leave?**
The goal of LTD is often to help employees return to work in a practical way. However, LTD is not a protected leave. As in any circumstance, an employee who is eligible for FMLA and has properly certified their leave will receive 12-weeks of protected FMLA leave. Once the 12-weeks have been exhausted, the leave is no longer under Federal FMLA protection, even if receiving long-term disability benefits. It is up to the supervisor, department, and HR to approve a leave of absence and to determine next steps after an employee has exhausted FMLA.
IAFF & BPOA Employees

Long-Term Disability (LTD) is offered through the Fire and Police Pension Association of Colorado (FPPA) at no cost to all IAFF and BPOA employees. Employees will receive a percentage of their pay when a medical condition prevents them from being able to work due to Temporary Occupational Disability, Permanent Occupational Disability or Total Disability. The State fund benefits for IAFF/BPOA hired prior to 1/1/1997, however, the city funds (2.6% of base pay) the benefits for IAFF/BPOA hired after 1/1/1997. Long-term disability must be utilized, if applicable in order to utilize some other City leave benefits, such as a leave contribution.

Who is eligible for LTD from FPPA?
Disability benefits are available for most paid police officers and firefighters who become disabled. The Plan provides 24-hour coverage, on and off duty. Note: Employees are not eligible for a disability benefit if they have met the age and service requirement for normal retirement under a defined benefit pension plan or have reached age 55 with 25 years accumulated service under a money purchase pension plan.

What Qualifies for LTD?

**Occupational Disability** – means a member is unable to perform his/her assigned duties due to a medical condition that is expected to last at least one (1) year. Assigned duties are those specific tasks or jobs that a member is required to regularly perform. Within the Occupational Disability category, there are two sub-categories:

- **Temporary Occupational Disability** - An occupational disability for which there is a prognosis for improvement or recovery through surgical treatment, counseling, medication, therapy or other means.
- **Permanent Occupational Disability** - An occupational disability caused by a condition that is permanent or degenerative and for which there is not prognosis for improvement or recovery through surgical treatment, counseling, medication, therapy or other means.

**Total Disability** – means the member is unable to engage in any substantial gainful activity due to a medically determined physical or mental impairment that may be expected to result in death or that has lasted or is expected to last at least one (1) year.

What are the disability benefits?

1. If you are granted an **Occupational Disability**, your normal option base benefit will be:
   - **Temporary Occupational Disability** – 40% of base salary per year, regardless of family status.
   - **Permanent Occupational Disability** – 50% of base salary per year, regardless of family status.
2. If you are granted a **Total Disability**, your normal option base benefit will be: 70% of base salary per year, regardless of family status.
Disability benefits may have a benefit adjustment. If you are awarded a total disability benefit, there is a provision for an annual 3% benefit adjustment. However, if you are awarded a permanent or temporary occupational disability benefit, a maximum of a 3% benefit adjustment may be granted on an ad hoc basis.

**When can an employee utilize LTD benefits?**
Employee’s benefits will begin to accrue on the day following their last day on the City’s payroll. This would be after the employee had exhausted all of their paid time off (sick, vacation, holiday, & floating holiday.)

**How long can an employee utilize LTD benefits?**
See the table below:

<table>
<thead>
<tr>
<th>Maximum Benefit Period for Long Term Disability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Temporary Occupational Disability</strong></td>
</tr>
<tr>
<td>Maximum of five (5) years. At the end of 5 years, the member either returns to department, unless prior to the end of the 5 year period the member’s disability status has been changed to Permanent Occupational or Total Disability, or benefits are discontinued.</td>
</tr>
<tr>
<td><strong>Permanent Occupational Disability</strong></td>
</tr>
<tr>
<td>May be payable as long as the disability exists, as long as the member remains eligible. An annual verification of eligibility process applies.</td>
</tr>
<tr>
<td><strong>Total Disability</strong></td>
</tr>
<tr>
<td>May be payable as long as the disability exists, as long as the member remains eligible. An annual verification of eligibility process applies.</td>
</tr>
</tbody>
</table>

**How to apply?**
Call FPPA and ask to speak with a Death & Disability Benefit Coordinator for more information or to schedule an appointment at 1-800-332-3772. They will explain the application process and send you an application.

(Employees may choose to download both a Step by Step Guide and an Application from the FPPA website on their own before they call with the Death and Disability Benefit Counselor. If so, follow these directions: Go to [www.fppaco.org](http://www.fppaco.org) and click on the button to enter the site, and then go to the Home Page, the Publications Tab and then the Statewide Death and Disability Plan to find the Step by Step Guide. Then go back to the Home Page, Forms, and then Statewide Death and Disability Plan to find the Disability Application.) Following the Step by Step Guides instructions employees should fill out the application, attach all relevant medical and employment information that is required and then send the information to FPPA. This submits the claim and FPPA begins the approval process.

**Note:** The Application **MUST** be completed within 90 days from the date FPPA first received any part of the application. If it is not completed within 90 days, FPPA will treat the application as having been withdrawn. To avoid missing the 90-day deadline, it is suggested to ask the physician(s) and the City to return the packets to the employee directly.
What is the process for communication and administration?
LTD is a benefit for eligible employees but it is not handled by the City of Boulder. Benefits are administered through FPPA (including the medical review) and the City of Boulder receives very little information on the claim. The employee must communicate directly with FPPA during the claims process. In most circumstances, FPPA will only communicate with the employee and will not provide the City with any information if contacted by us. Periodically, information from the employer may be requested from FPPA, which must be delivered as timely as possible.

Is Long-Term Disability a protected leave?
The goal of LTD is often to help employees return to work in a practical way. However, LTD is not a protected leave. As in any circumstance, an employee who is eligible for FMLA and has properly certified their leave will receive 12-weeks of protected FMLA leave. Once the 12-weeks have been exhausted, the leave is no longer under Federal FMLA protection, even if receiving long-term disability benefits. It is up to the supervisor, department, and HR to approve a leave of absence and to determine next steps after an employee has exhausted FMLA.
Vacation Buy-Back

To process a vacation buy-back, please complete the PAF05, available in the attachments.

**BMEA**

A BMEA employee who has completed 7 or more years of service may sell up to 40 hours of accrued vacation **once every calendar year** in return for 40 hours of regular, straight time pay.

**FIRE**

Fire does not have a vacation sellback policy.

**POLICE**

At the end of each calendar year, employees who have used less than 40 hours of sick and have completed 36 months of continuous service at the time of conversion shall have the option of converting 40 hours of accrued vacation leave for 40 hours of pay at his/her regular, straight-time hourly rate at any time during the first 3 months of the following year. There will be an exception to the limit on less than 40 hours of sick leave use for those days when a BPOA employee uses sick leave for 3 consecutive working days or more with medical verification. These consecutive days will not count towards the 40 hour limit.

Employee who are eligible for the leave conversion to pay as described above, and who do not request such a conversion during the first 3 months of a given year, may request a conversion during the remainder of that year. However, such a conversion will be subject to the approval of the Police Chief, or his/her designee, and may be denied. Under no circumstances will an employee be allowed to convert leave to pay more than once in a calendar year.

**MGMT**

A Management/Non-union employee with seven or more years of continuous service may “sell back” at a one for one rate, a limited number of vacation hours for regular straight-time pay at his/her current rate of pay subject to limits shown in the following chart:

<table>
<thead>
<tr>
<th>Vacation Sell Back Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees other than Fire Battalion Chiefs</td>
</tr>
<tr>
<td><strong>Years of Service</strong></td>
</tr>
<tr>
<td>7 – less than 12</td>
</tr>
<tr>
<td>12 or more</td>
</tr>
<tr>
<td>Fire Battalion Chiefs</td>
</tr>
<tr>
<td><strong>Years of Service</strong></td>
</tr>
<tr>
<td>7 – less than 12</td>
</tr>
<tr>
<td>12 or more</td>
</tr>
</tbody>
</table>
Workers’ Compensation/Injury Leave

The Risk department manages Workers’ Compensation, but sometimes the employee’s situation falls into Leaves.

FMLA and Workers’ Compensation
FMLA and Workers’ Compensation run concurrently. This means that if an employee is on Workers’ Compensation, this leave must be designated as FMLA and FMLA must either be tracked on the FMLA Tracking form and be coded alongside Injury Time (INJ) in time entry.

INJURY LEAVE

- Seasonal employees are eligible for Workers’ compensation but not eligible for injury leave
- As soon as an injury occurs or as soon as an employee begins to miss time from work due to a work-related illness/injury, the Supervisor MUST notify the Risk department immediately.
- The Risk Department must also be notified when an employee returns from injury leave, as a Return to Work form may be required.

There is a maximum amount of Injury Leave Time that an employee may receive based on group. These maximum allowances by group are listed below:

<table>
<thead>
<tr>
<th>Maximum Injury Hours per Calendar Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union Group</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>BMEA</td>
</tr>
<tr>
<td>MGMT</td>
</tr>
<tr>
<td>FIRE</td>
</tr>
<tr>
<td>POLICE</td>
</tr>
</tbody>
</table>


City of Boulder
Leave Request Form

Please use this form to provide as much information as possible regarding your upcoming need for leave. You must provide at least **30 days notice** for all foreseeable leaves. For an unforeseeable situation, please provide as much notice as is reasonably possible. Requests for leave that do not meet these requirements may be denied.

### EMPLOYEE INFORMATION

<table>
<thead>
<tr>
<th>Employee Name</th>
<th>Job Title</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Address</td>
<td>City</td>
<td>State</td>
</tr>
</tbody>
</table>

How do you prefer to be contacted while on leave? (check all that apply)
- [ ] Work E-Mail
- [ ] Personal E-Mail
- [ ] Home Phone
- [ ] Cell Phone

<table>
<thead>
<tr>
<th>Personal E-mail</th>
<th>Home Phone</th>
<th>Normal Hours:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cell Phone</th>
<th>Union/Group:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### TYPE OF LEAVE

- [ ] Continuous Leave of Absence
- [ ] Intermittent Leave
- [ ] Continuous and Intermittent Leave
- [ ] Unknown at this time

### EMERGENCY LEAVE

- [ ] Request to Use Emergency Leave
  
  Must be qualifying according to your bargaining unit contract or
  Under City Policy for Management/Non-Union employees.

<table>
<thead>
<tr>
<th>Relationship to Employee:</th>
<th>Reason: [ ] Serious Illness/Injury  [ ] Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Leave Balance:</td>
<td>Emergency Leave Used for this Request:</td>
</tr>
<tr>
<td></td>
<td>Relevant Details: _____________________________</td>
</tr>
</tbody>
</table>

### FMLA INFORMATION (FOR MORE INFORMATION ON FMLA, PLEASE VISIT THE INTRAWEB OR CONTACT HR)

Is this an FMLA Leave Request? [ ] Yes  [ ] Unsure  [ ] No  
(If No, please fill out the section below labeled NON-FMLA leave)

If YES or UNSURE, please indicate the reason(s) for your leave:

- [ ] My own Serious Health Condition or Event
- [ ] Work-Related Illness or Injury (**Please contact the Risk Department if you have not**)  
  Please indicate relationship: [ ] Spouse  [ ] Child  [ ] Parent (not in-law)
- [ ] Pregnancy/Maternity Leave
- [ ] Paternity Leave
- [ ] Adoption
- [ ] Military Leave: Active Duty, Military Caregiver or Qualified Exigency (Up to 26 weeks of protected leave)

FMLA Requirements

- **Medical or Military Certification is required** to utilize protected leave under the FMLA. **HR will verify your eligibility and send you an eligibility packet.** **How do you prefer to receive your eligibility packet?**
  - [ ] Work E-Mail
  - [ ] Personal E-Mail
  - [ ] Home Address

- **FMLA is no longer tracked in time entry. You will receive a Tracking Log, which must be used to track all FMLA time use.**

- **Not all leave is considered FMLA. To learn more about FMLA, please review the Employee Leave Guide or contact HR.**

### NON-FMLA LEAVE

- [ ] Personal Leave Not Related to a Serious Health Condition Covered Under the FMLA
- [ ] Personal Leave to Care for a Family Member not Covered Under the FMLA
- [ ] Other/Prefer Not to Specify

### DISABILITY BENEFITS

**Short Term Disability:** Employees with 5 or more years of continuous PERA service are eligible for Short-Term Disability, which has a waiting period of 60 days from the date of disability.

- [ ] I will apply for Short Term Disability benefits.
- [ ] I may apply for Short Term Disability and will contact HR.

**Long-Term Disability:** LTD is an elected benefit. Benefits have a waiting period of 90 days from the date of disability. To find out if you are enrolled in LTD or to learn more, please contact HR.

- [ ] I will apply for Long-Term Disability benefits.
- [ ] I may apply for Long-Term Disability and will contact HR.
GETTING PAID DURING YOUR LEAVE

1. During your time off, you must use all paid leave accruals available (Sick, Vacation, Holiday, Floating, Comp Time).
2. An unpaid leave of absence lasting less than 10 days (that is not FMLA) requires supervisory approval and is reviewed on a case-by-case basis, sometimes with HR guidance.
3. An unpaid leave of absence lasting more than 10 days (that is not FMLA) will require approval from your Department Head and the Human Resources Director. Please see city sick leave policy and/or appropriate bargaining unit contract to follow appropriate guidelines in seeking approval for unpaid leaves of absence; seek HR assistance prior to making a request.
4. If you are on FMLA leave, you must exhaust all available SICK time before utilizing other paid or unpaid leaves.
   **If your leave is FMLA certified, you may request in the initial leave request to reserve 1 week of Sick and use an alternative paid leave. If you would like to reserve 1 week of sick, please inform HR.**
5. If you need assistance in determining your paid leave and time entry, please contact HR. If needed, they will be able to assist you in creating a Leave Plan.

Please enter the leave you will utilize for your leave of absence.

<table>
<thead>
<tr>
<th>Type</th>
<th>Number of Hours</th>
<th>Dates: From</th>
<th>Through</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sick Leave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holiday</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floating Holiday</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unpaid Leave</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please be aware that you may have other leave benefits available to you to ensure you are paid during your approved time off. If eligible, these may include Sick Matching/Extended Sick, Leave Contribution, Short-Term Disability, and/or Long-Term Disability. For more information, please visit the Leave and FMLA section on the HR Intraweb page.

Please provide any additional information that may be relevant to your Leave:

SIGNATURES

<table>
<thead>
<tr>
<th>Employee Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Supervisor Signature (For Emergency Leave or Non-FMLA Leave)</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Requests for FMLA do not require supervisor approval)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Processed by Human Resources</th>
<th>Date</th>
</tr>
</thead>
</table>

**If a leave is NOT FMLA, IS UNPAID and LASTS MORE THAN 10 DAYS, YOU MUST HAVE APPROVAL FROM YOUR DEPARTMENT HEAD AND THE HUMAN RESOURCES DIRECTOR.**

<table>
<thead>
<tr>
<th>Department Head Approval</th>
<th>Date</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Human Resources Director Approval</th>
<th>Date</th>
</tr>
</thead>
</table>
**POLICE EMPLOYEES - please process all PAF forms through the Police Department's Support & Staff Services Section**

<table>
<thead>
<tr>
<th>Employee’s Name</th>
<th>Employee ID Number</th>
<th>Employee’s Work Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department</th>
<th>Employee’s Supervisor Name</th>
<th>Supervisor’s Work Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**PLEASE NOTE THAT VACATION SELLBACKS ARE TAXED AT A HIGHER SUPPLEMENTAL RATE AND ARE NOT PROCESSED DURING PAYPERIOD 1***

- **Vacation Sellback:** Number of vacation hours selling back for pay____________

  ****NOT INCLUDED IN PERA HAS CALCULATIONS****

<table>
<thead>
<tr>
<th>To be completed by HR:</th>
<th>Number of hours selling</th>
<th>“Time Taken” Vacation Hours +</th>
<th>Total “Time Taken” Vacation Hours</th>
<th>“Total Available” Vacation Hours</th>
</tr>
</thead>
</table>

- **Sick97 Conversion to Vacation**

  Convert Sick97 hours (specify number of hrs) to Vacation (specify number of hrs)____________

  (Note: Conversion is two-for-one; Management cannot convert below 640 hrs. Police cannot convert below 480 hrs.)

<table>
<thead>
<tr>
<th>To be completed by HR:</th>
<th>“Total Available” Sick97 Hours</th>
<th>“Total Available” Vacation Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of hours converting</td>
<td>Number of hours adding</td>
</tr>
<tr>
<td>“Total Available” Sick97 Hours</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>“Available Balance” Sick97 Hours</td>
<td>adding</td>
<td>“Available Balance” Vacation Hours</td>
</tr>
</tbody>
</table>

- **Sick Conversion to Vacation**

  Convert Sick hours (specify number of hrs): to Vacation (specify number of hrs):____________

  If Police Old-Hire, specify 6 consecutive pay period employee qualifies: From PP________ To PP________.

  (Note: Conversion is two-for-one; BMEA cannot convert below 640 hrs; Fire 40-hour cannot convert below 640 hrs; Fire 56-hour cannot convert below 1,152 hrs; Management are not eligible.)

<table>
<thead>
<tr>
<th>To be completed by HR:</th>
<th>“Total Available” Sick Hours</th>
<th>“Total Available” Vacation Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of hours converting</td>
<td>Number of hours adding</td>
</tr>
<tr>
<td>“Total Available” Sick Hours</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>“Available Balance” Sick Hours</td>
<td>adding</td>
<td>“Available Balance” Vacation Hours</td>
</tr>
</tbody>
</table>

- **BMEA Incentive Sick Conversion to Vacation:**

  Convert 16 Sick hours to 16 Vacation hours.

  Indicate the 13 consecutive pay periods the employee qualifies: From PP________ To PP________.

  (Note: BMEA employees who work six consecutive months without tardiness or absence can convert 16 sick hrs to 16 vacation hrs)

<table>
<thead>
<tr>
<th>To be completed by HR:</th>
<th>“Total Available” Sick Hours</th>
<th>“Total Available” Vacation Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of hours converting</td>
<td>Number of hours adding</td>
</tr>
<tr>
<td>“Total Available” Sick Hours</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>“Available Balance” Sick Hours</td>
<td>adding</td>
<td>“Available Balance” Vacation Hours</td>
</tr>
</tbody>
</table>

- **Vacation/Sick Adjustments:** Please explain and attach a copy of the time sheet where the error was made.
Recording FMLA in Vista

1. A line of AFMLA **equivalent** to all leave codes related to FMLA leave must be recorded. (An FMLA Tracking Log must also be completed and submitted.)

2. Your SICK balance (including any applicable sick matching or extended sick amount) must be exhausted before using other leave codes while on FMLA.

3. AFMLA is an **unpaid leave** that designates certified leave as protected under the Federal Family Medical Leave Act (FMLA). You will only be paid for Paid Leave Accruals and therefore, both must be recorded in your time entry.

4. Leave without pay may only be taken once all Paid Leave Accruals have been exhausted.

5. Paid Leave Accruals may include:

| ASICK  | Sick |
| AVAC   | Vacation |
| ACOMP  | Comp Time Taken |
| AFHOL  | Floating Holiday |
| ALOA   | Unpaid Leave of Absence |

**Note:** If a HOLIDAY occurs during a **continuous block** of FMLA leave, the holiday may be recorded, but FMLA must also be recorded.
EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
- for incapacity due to pregnancy, prenatal medical care or childbirth;
- to care for the employee’s child after birth, or placement for adoption or foster care;
- to care for the employee’s spouse, son, daughter or parent, who has a serious health condition, or
- for a serious health condition that makes the employee unable to perform the employee’s job.

Military Family Leave Entitlements
Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:
(1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
(2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections
During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer’s normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer’s normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:
- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersedve any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.