**YOUR RIGHTS**

**under the**

**CITY OF SEATTLE FAMILY AND MEDICAL LEAVE ORDINANCE**

Consistent with the federal Family Medical Leave Act of 1993 as revised and the Washington Family Medical Leave statute, the City of Seattle Family and Medical Leave Ordinance provides a designated amount of unpaid, job protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have completed six (6) months of employment for the City of Seattle.

The following is a summary of the Family and Medical Leave Ordinance. For the full text, contact the City Clerk’s Office and request a copy of Ordinance #122968.

**REASONS FOR UNPAID LEAVE**

Up to 90 days in a 12 month period for the following reasons:

⚫ For incapacity due to pregnancy, prenatal medical care or child birth;

 ⚫ To care for the employee’s child after birth, or placement for adoption or foster care;

* To care for the employee’s spouse/domestic partner, or a son or daughter, or parent, of the employee or spouse/domestic partner who has a serious health condition; or
* For a serious health condition that makes the employee unable to perform the employee’s job; or
* To address a qualifying military exigency for the employee’s spouse/domestic partner, child (of any age), or parent.

Up to 26 workweeks during a single 12 month period combined with other FML for the following reason:

* To care for the employee’s spouse/domestic partner, child (of any age), parent, or next of kin of a covered servicemember who incurred an injury or illness while on active duty.

An employee need not exhaust his or her accrued sick leave, executive leave, compensatory time and/or vacation leave prior to requesting or taking family or medical leave under this ordinance. Leave may be taken intermittently or on a reduced leave schedule when medically necessary.

**ADVANCE NOTICE AND MEDICAL CERTIFICATION:**

 ⚫ The employee ordinarily must provide 30 days advance notice when the leave 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. Health care providers must provide certification of serious health conditions requiring continuous or intermittent leave.

**JOB BENEFITS AND PROTECTION:**

 ⚫ For the duration of Family/Medical Leave, the City will 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 Family/Medical Leave, most employees will be restored to their original or equivalent positions, with equivalent pay, benefits, and other employment terms.

 ⚫ The use of Family/Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

**UNLAWFUL ACTS BY THE EMPLOYER:** The Family and Medical Leave Act makes it unlawful for the City to:

 ⚫ Interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act; or

 ⚫ Discharge or discriminate against any person for opposing any practice made unlawful by the Family and Medical Leave Act or for involvement in any proceeding under or relating to the Family and Medical Leave Act.

**ENFORCEMENT:**

 ⚫ An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for violations of the federal FMLA.

 ⚫ The federal Family and Medical Leave Act does not affect any federal or state law prohibiting discrimination, or supersede any

State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FOR ADDITIONAL INFORMATION:** For information on the requirements and application of the federal Family and Medical Leave Act, contact the nearest office of the Wage and Hour Division, listed in most telephone directories under “U.S. Government, Department of Labor.” For information on the requirements and application of the City of Seattle Family and Medical Leave Ordinance, contact your departmental personnel/human resource representative or the City Personnel Division’s Benefits Unit.

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