



Administrative Policy
FMLA DONATED PTO HOURS
Personnel – A306

Effective Date:

February 2011

Revised Date:

FMLA HOURS and DONATED/TRANSFERRED PTO

Summary

The Town of Payson's Personnel Policy Manual sets forth how the Town will implement the Family and Medical Leave Act (FMLA). See Section 5.2. Employees are hired to work a specific number of hours. The Personnel Policy Manual has a provision that allows employees to donate/transfer PTO to other employees in very limited circumstances. See Section 5.1.3(C). The purpose of this policy is to clarify the relationship between FMLA leave and donated/transferred PTO.

Definitions

Accrued Paid Leave – Paid Time Off (PTO) hours that the employee has earned

FMLA – Family Medical Leave Act of 1993 allows eligible employees and requires the employer to grant up to 12 workweeks of paid and/or non-paid leave for:

- 1) The birth and care of a newborn child or placement of a child for adoption for foster care;
- 2) The care of the employee's spouse, child or parent with a serious health condition;
- 3) For a serious health condition that makes the employee unable to perform the essential functions of the employee's job;
- 4) 26 weeks of leave to care for a family member who is injured while on military active duty;
- 5) 12 weeks of leave for urgent needs related to a family member's current active duty or a call to active military duty (once this provision of FMLA is implemented)

Process

1. Employees are required to work or take leave (paid or unpaid) for the full number of hours they are scheduled to work. If some or all of such leave is unpaid, approval of the Town Manager is required.
2. An employee may, at their discretion use all accrued paid leave (PTO) prior to requesting FMLA leave.
3. If FMLA leave is requested and approved, qualifying employees will be required to use hour-for-hour accrued PTO during FMLA leave until such time PTO is exhausted.



Administrative Policy
FMLA DONATED PTO HOURS
Personnel – A306

Effective Date:

February 2011

Revised Date:

4. For the purposes of FMLA, the term “accrued paid leave” (PTO) shall not include donated leave/PTO transferred from another employee pursuant to Section 5.1.3 (C).
5. Employees cannot use donated PTO if they have accrued paid leave hours available.
6. Prior to receiving any donated leave/transferred PTO, an employee must begin FMLA leave.
7. Once the employee’s “accrued paid leave” is exhausted, the employee has three options:
 - a) Begin FMLA leave and request transferred PTO (donated leave),
 - i. Must use transferred PTO in an amount equal to the number of hours the employee is scheduled to work; or
 - b) Begin FMLA and request unpaid leave; or
 - c) May resign his/her position

References

Personnel Policy Manual, Section 5.1.2 – Leave of Absence Without Pay

Personnel Policy Manual, Section 5.1.3(c) – Paid Time Off (PTO)

Personnel Policy Manual, Section 5.2 – Family and Medical Leave Act (FMLA)