

ORDINANCE NO. 644

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING SECTION 11.06 OF THE SATELLITE BEACH PERSONNEL POLICY REGARDING LEAVE WITHOUT PAY; ADDING A SECTION "B" ENTITLED, "FAMILY AND MEDICAL LEAVE"; PROVIDING CONDITIONS FOR THE UNPAID LEAVE; SAID POLICY ADOPTED BY ORDINANCE NO. 435 AND AMENDED BY ORDINANCE NOS. 464, 477, 479, 488, 505, 526, 546, 612 AND 633; PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. The City of Satellite Beach Personnel Policy is hereby amended to add a new section "B" in Section 11.06 as follows:

11.06 Leave Without Pay

B. Family and Medical Leave - All eligible employees are entitled to a total of twelve weeks of unpaid leave during any twelve-month period for one or more of the following reasons: (1) the birth of a child; (2) the placement of a child for adoption or foster care; (3) the caring of a spouse, child or parent with a serious health condition; or (4) a serious health condition that renders the employee unable to perform the functions of his or her position. The term "serious health condition" shall include only those illnesses, injuries, impairments or conditions that involve inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

The following conditions shall apply to any leave of absence requested under this section:

1. Leave will only be granted to individuals who have been employed by the City for at least twelve months and who have worked a minimum of 1250 hours in the year preceding the leave request;
2. The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve month period beginning on the date of such birth or placement. Leave for the birth or placement of a child shall not be taken intermittently or on a reduced leave schedule without the express permission by the City. Leave requested due to the serious health condition of an employee, or in order to care for the spouse, child or parent with

a serious health condition, may be taken intermittently or on a reduced leave schedule, only when medically necessary. If the employee requests intermittent leave or leave on a reduced leave schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified. The alternative position will be offered at equivalent pay and benefits.

3. Any employee requesting leave for the birth or placement of a child must first use any accrued vacation or sick leave before taking the unpaid leave of absence. The vacation and/or sick leave taken will be counted toward the twelve-week leave period.
4. Any employee requesting leave for a serious medical condition, or the serious medical condition of a spouse, child or parent of the employee, must first use any accrued vacation and sick leave before taking the unpaid leave of absence. The vacation and/or sick leave taken will be counted toward the twelve-week leave period.
5. Any employee requesting leave under this policy shall provide to the City, wherever possible, a minimum thirty-day notice of his or her intent to take the leave. In addition, any employee taking leave for a serious medical condition, or the serious medical condition of a spouse, child or parent, shall make a reasonable effort to schedule treatments so as not to disrupt the operations of the City.
6. A husband and wife employed by the City may be limited to an aggregate total of twelve weeks leave in a twelve-month period for birth or placement of a child, or for care of a seriously ill parent.
7. The City reserves the right to require a doctor's certificate supporting a request for a leave due to a serious illness of the employee, or the serious illness of a child, spouse or parent of the employee. The City also reserves the right to require the employee, at the City's expense, to obtain the opinion of a second doctor as to his or her condition, or the condition of a seriously ill parent, spouse or child.

8. At the conclusion of any leave taken under this section, the employee shall be restored to his or her previous position, or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. The employee shall not be entitled to the accrual of seniority or other benefits during the term of the leave. The City reserves the right to deny restoration of employment of key employees as that term is defined in the Family and Medical Leave Act.
9. The employee's health insurance benefits will be continued during the leave of absence at the same level and conditions as if the employee had continued to work. If, however, the employee fails to return to work at the completion of the leave, the City reserves the right to recover from the employee the premiums paid for maintaining medical insurance coverage as permitted by federal law.
10. Any employee taking leave under this section shall be required to periodically report to the City on the status and intention of the employee to return to work. Prior to returning to work, in cases of serious illness of the employee, the City may require of the employee a doctor's certificate stating that the employee is able to resume work.

**SECTION 2. SEVERABILITY CLAUSE.** In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision thereby causing said remainder to remain in full force and effect.

**SECTION 3. REPEAL OF INCONSISTENT PROVISIONS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption.

SECTION 5. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 21st day of November, 1995, and adopted on the second and final reading at a regular meeting of the City Council on the 6th day of December, 1995.

  
David R. Schechter, Mayor

ATTEST:

  
Mary E. Rogers, City Clerk