

RESOLUTION NO. 12-31

**A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING  
THE PERSONNEL POLICIES AND PROCEDURES MANUAL  
REGARDING FMLA LEAVE**

**WHEREAS**, The City Council, from time to time, reviews and adopts policies and procedures to assist in the fair and uniform application of requirements and benefits to City employees; and

**WHEREAS**, The City Council has reviewed Policy 8010 Sections 1 and 3 of the Personnel Policies and Procedures Manual and has determined a need to clarify the FMLA Leave Policy; and

**WHEREAS**, The City Council believes this amendment is in the best interest of the employees of Draper City and of Draper City.

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Amendment.** The Draper City Council does hereby adopt the amendments to Policy 8010 Sections 1 and 3 of the Personnel Policies and Procedures Manual as attached hereto as Exhibit "A."

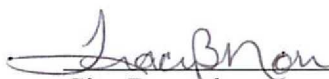
**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

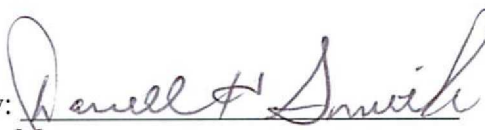
**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY,  
STATE OF UTAH, THIS THE 17<sup>th</sup> DAY OF July, 2012.**

DRAPER CITY

ATTEST:

  
City Recorder



By:   
Mayor

## EXHIBIT "A"

### Section 8010- FAMILY AND MEDICAL LEAVE

1. Leave Entitlement. Under the provisions of FMLA an eligible employee must be granted up to a total of 12 weeks of unpaid leave during any 12 month period for one of the following reasons:

A) The birth of an employee's child or the care of the newborn child;

B) The placement of a child with an employee for adoption or foster care or to care for the newly placed child;

C) To care for an employee's spouse, child, or parent (but not in-law) with a serious health condition; and/or

D) An employee's own serious health condition (including work-related injuries) that makes the employee unable to perform one or more of the essential functions of his or her job.

E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of any impending call or order to active duty) in the Armed Forces in support of a contingency operation. This provision applies to the families of members of both the active duty and reserve components of the Armed Forces.

F) Military caregiver leave to care for an ill or injured covered service member. This includes veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five (5) years preceding the date of treatment.

3. Leave Time Allowed. The Family and Medical Leave Act (FMLA) allow eligible employees to take up to 12 workweeks of leave during a "12 month period" for the family and medical reasons listed above- in "A" thru "E" of Section 1 of this policy. If the FMLA is designated as military caregiver leave, which is "F" of Section 1 of this policy, an eligible employee is allowed up to 26 workweeks of paid and/or unpaid leave during a "12 month period" to care for a covered service member, if the eligible employee is the spouse, son, daughter, parent or next of kin of the covered service member. The "12 month period" is determined by a rolling calculation and is measured backward from the date leave is used.