

**RESOLUTION ESTABLISHING A POLICY FOR DESIGNATING LEAVE AS
EITHER PAID OR UNPAID UNDER THE FAMILY MEDICAL LEAVE ACT**

WHEREAS, the City of Rapid City is subject to the Federal Family Medical Leave Act; and

WHEREAS, under the Family Medical Leave Act, employees are entitled to take leave in certain situations; and

WHEREAS, the City is entitled to designate leave taken under the form of the Family Medical Leave Act as either paid or unpaid; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City of Rapid City to establish a policy for the designation of leave as either paid or unpaid under the Family Medical Leave Act.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following policy for the designation of leave under the Family Medical Leave Act is hereby adopted:

An employee eligible for benefits under the Family Medical Leave Act (FMLA) shall use his or her Part A Sick Leave, Part B Sick Leave, and Annual Leave in conjunction with FMLA leave in the following manner:

- a. The employee, if eligible, shall use Part A Sick Leave and Part B Sick Leave in accordance with the provisions that cover these leaves.
- b. In the event an employee has exhausted his or her Part B Sick Leave, or in the event an employee is not eligible for sick leave, the employee shall use his or her annual leave down to at least 40 hours prior to the granting of non-paid FMLA Leave. Employees may retain up to 40 hours of Annual Leave before choosing unpaid leave or may use all Annual Leave.
- c. Annual leave will not accrue during periods of unpaid FMLA leave.

Dated this ____ day of March, 2007.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)