



CITY OF PROVIDENCE

4.6 LEAVE OF ABSENCE POLICY

Purpose

This policy outlines the provisions under which employees of the City of Providence, may request and take a leave of absence, paid or unpaid, for personal, medical, or other qualifying reasons. It ensures compliance with federal and state laws and supports employees' well-being while maintaining the continuity of operations.

Scope

This policy applies to all regular full-time and part-time employees of the City of Providence, excluding temporary and seasonal employees unless otherwise specified by Collective Bargaining Agreements or applicable law.

Nothing in this policy shall supersede, modify, or diminish any rights, benefits, or obligations contained within applicable collective bargaining agreements (CBAs) or laws. In the event of a conflict between this policy and a CBA, the CBA shall prevail for covered employees. For all other employees not covered by a CBA, this policy shall govern.

Definitions

Family and Medical Leave Act (FMLA): A federal law that provides eligible employees with up to 12 weeks of unpaid, job-protected leave per 12-month period for qualifying family and medical reasons, including serious health conditions, parental bonding, and military-related needs. FMLA ensures continuation of group health insurance and protects the employee's job upon return from leave.

Rhode Island Parental and Family Medical Leave Act (RIPFMLA): A state law that provides eligible employees up to 13 weeks of job-protected leave in any consecutive 24-month period for family or medical reasons, including serious illness, parental bonding, and qualifying school activities.

Military Leave: Leave provided under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), which entitles employees to unpaid or partially paid leave for active duty, training, or other military obligations. Employees are also eligible for up to 15 days of fully paid military leave annually.

Serious Health Condition: Under the FMLA, this is as an illness, injury, impairment, or a physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider.

Serious Illness: Under the RIPFMLA, this is a disabling physical or mental illness, injury, impairment or condition that involves inpatient care in a hospital, nursing home or hospice, or outpatient care requiring continuous treatment or supervision by a healthcare provider.

Policy

1. General Standards

- A. The City of Providence administers several leave policies with differing eligibility criteria and certification requirements. A leave of absence is an employment status for an employee who is approved for extended time away from work for medical or personal reasons.
- B. Requests for a leave of absence are required to be submitted when a medical or personal absence is expected to last more than five (5) business days.
- C. Leaves of absence may be approved under one of the following policies, or under multiple leave policies concurrently when applicable:
 1. Family and Medical Leave Act (FMLA)
 2. Rhode Island Parental and Family Medical Leave Act (RIPFMLA)
 3. Paid Parental Leave
 4. Sick Leave Extension
 5. General Leave of Absence



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6. Military Leave in accordance with USERRA

2. **Leave Administration**

A. **Information Resources**

Leaves of absence are administered by the City of Providence's Department of People and Culture (DPC). This policy, necessary forms, and other information regarding the leaves of absence available to City employees can be found on the [Department of People and Culture's website](#). Employees may also contact the DPC directly at hr@providenceri.gov to obtain information.

B. **Administration Process**

1. Employees must provide thirty (30) days' advance notice of the need for a leave of absence. If an employee fails to provide thirty (30) days' notice of foreseeable leave with no reasonable excuse, leave may be denied. If the need for leave is unexpected or unforeseen, an employee should provide notice within two (2) business days.
2. Employees can apply for leave with this [request form](#).
3. Upon receiving the request for a leave of absence, the Leave Administrator will review the request and respond notifying the employee of their eligibility for leave under the applicable law or policy.
4. Employees who are eligible for a leave of absence will be provided with the appropriate form with which to certify their need for leave. The required documentation must be returned to the DPC within fifteen (15) calendar days, or the request for leave may be denied.
5. Upon receipt of the completed form, employees will be informed whether their request for leave has been approved or denied, whether additional information or clarification is needed, the duration of their leave in the case of an approval, and whether they will be required to present a fitness for duty certification prior to returning to work.
6. Please note that all absences by employees that qualify for the Family and Medical Leave Act, or the Rhode Island Parental and Family Medical Leave Act shall be designated as such even if the employee does not request such leave.

3. **Family and Medical Leave Act (FMLA):**

- A. The Family and Medical Leave Act (FMLA) is a federal law that provides employees with the right to an unpaid leave of absence in certain circumstances, and to be reinstated to their position, or an equivalent position at the conclusion of their FMLA protected leave of absence. Under the FMLA, employees may be entitled to up to twelve (12) weeks of unpaid, job protected leave during a twelve (12) month period. FMLA leave will run concurrently with other leave policies or workers' compensation benefits, as applicable.
- B. To be eligible for leave under the FMLA, employees must meet the following criteria:
 1. Have been employed by the City for at least twelve (12) months.
 2. Have worked at least 1,250 hours in the previous twelve (12) months prior to the start of the requested leave.
- C. To qualify for leave as FMLA under this policy, the leave request must be for one of the following reasons:
 1. An employee's own serious health condition.
 2. To care for an immediate family member's serious health condition.
 1. An immediate family member is defined as a parent, spouse, or child.
 3. The birth, adoption, or foster placement of a child in the employee's home, within one (1) year of the qualifying event.
 4. Any qualifying exigency arising out of the fact that the employee's son, daughter, or parent is a service member on covered active duty or call to covered duty status.



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- D. Employees who meet the above criteria may apply for up to twelve (12) consecutive weeks of FMLA protected leave, or alternatively may apply for intermittent leave, at a frequency and duration specified by their health care provider in writing.
- E. When the need for leave is foreseeable, the employee must provide the City with thirty (30) days advance notice of the need to take FMLA leave, when it is possible and practical to do so. When the need for leave is unexpected, the employee must provide notice within two (2) business days.
- F. Each request for leave under the FMLA will require that the employee provide a Certification of Health Care Provider Form, fully executed by the employee's treating health care provider, or that of a family member for whom the employee will be providing care. Incomplete certifications will be returned to the employee and leave approval will not be granted until completed.
- G. **Discharge of Accruals**
An employee approved for FMLA protected leave is required to discharge any accrued and available accrued sick time. Once all available sick time has been discharged, the employee may choose whether to discharge available vacation, floating holiday time, or to go unpaid.
- H. FMLA regulations specify that an employer must account for intermittent leave using increments that aren't greater than the shortest amount of time used for other forms of leave (provided that period is no greater than one hour). The lowest time amount for the City of Providence would be 1-hour increments for discharging time. Employees approved for intermittent FMLA leave must use their time in accordance with the frequency and duration certified by their healthcare provider; they may not take more time than what is authorized in the submitted medical certification (HCP form).

4. **Rhode Island Parental and Family Medical Leave Act (RIPFMLA):**

- A. The Rhode Island Parental and Family Medical Leave Act (RIPFMLA) is a state law that provides employees with protections like those of the FMLA, but with some differences in eligibility requirements, qualifying reasons for leave, and entitlement available. Under the RIPFMLA, employees may be eligible for up to thirteen (13) weeks of unpaid, job protected leave during a twenty-four (24) month period. RIPFMLA leave will run concurrently with other leave policies or workers' compensation benefits, as applicable.
- B. To be eligible for protected leave under the RIPFMLA, employees must meet the following criteria:
 - 1. Have been employed by the city for twelve (12) consecutive months.
 - 2. Be a full-time employee that works an average of thirty (30) hours per week.
 - 3. To qualify for leave as RIPFMLA under this policy, the leave request must be for one of the following reasons:
 - 1. An employee's own serious health condition.
 - 2. To care for a family member's serious health condition.
 - 1. A family member is defined as a spouse, qualifying domestic partner, parent, parent-in-law, or child.
 - 3. The birth, adoption, or foster placement of a child in the employee's home within one (1) year of the qualifying event.
 - 4. To attend a child's qualifying school activities.
 - 1. Please note that this leave is limited to ten (10) hours in a twelve (12) month period.
- C. Employees who meet the above criteria may apply for up to thirteen (13) weeks of RIPFMLA protected leave. RIPFMLA does not allow for the use of intermittent or reduced schedule leave; therefore, leave must be taken over a continuous period of time.
- D. Certification requirements of RIPFMLA are the same as FMLA, and if both are applicable, FMLA and RIPFMLA will run concurrently. FMLA and RIPFMLA will also run concurrently with any other applicable leave, policy, or benefit which may be available.
- E. **Discharge of Accruals**



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An employee approved for RIPFMLA protected leave is required to discharge any accrued and available accrued sick time. Once all available sick time has been discharged, the employee may choose whether to discharge available vacation, floating holiday time, or to go unpaid.

5. **Paid Parental Leave:**

A. **Leave Ineligibility**

The Parental Leave Policy does not apply to employees in a temporary position or those represented by the Laborers' Local 1033, the Fraternal Order of Police, Local 799 of the International Association of Fire Fighters, or the PPSD teacher or clerical unions. Employees in these groups should refer to their respective Collective Bargaining Agreements for specific leave provisions. Additionally, certain grant-funded positions may not be eligible for Paid Parental Leave.

B. The City of Providence offers Paid Parental Leave to ensure that eligible new parents who are regular, full-time employees have the opportunity to take up to six (6) weeks of paid leave to accommodate the birth, adoption, or foster placement of a child in their home.

C. To be eligible for Paid Parental Leave, employees must:

1. Be employed as a regular, full-time employee of the City for at least one (1) full year, consisting of twelve (12) consecutive months.
2. Not have utilized any other leave entitlement during the previous twelve (12) months from the leave start date, excluding routine use of vacation, sick, or floating holiday time.
3. Be in good standing with an acceptable performance record, as determined by the Chief People Officer. (See the Appendix below for more information)

D. Employees may request Paid Parental Leave for the following reasons:

1. The birth, adoption, or foster placement of a child in the employee's home, within one (1) year of the qualifying event.

E. Eligible employees may apply for up to six (6) weeks of Paid Parental Leave, which must be taken within twelve (12) months of the date of birth, adoption, or placement. If the employee is eligible for FMLA/RIPFMLA, the Paid Parental Leave will run concurrently with those entitlements.

F. Leave may be requested on a continuous or intermittent basis; however, intermittent bonding leave will only be approved with the explicit written agreement of the employee's department director and the Chief People Officer, including a mutually agreed upon schedule.

G. The employee must apply for Paid Parental Leave at least thirty (30) days in advance of the qualifying event or as soon as reasonably practical.

H. Each request for Paid Parental Leave requires the completion of a Paid Parental Leave Application and the submission of medical or legal documentation certifying the birth or placement of a child in the employee's home.

I. Incomplete applications will be returned, and leave will not be approved until the application is completed and submitted.

J. Employees approved for Paid Parental Leave will retain all accrued paid time off (such as sick, vacation, and floating holiday time). Paid Parental Leave will be provided in addition to any existing leave balances, and employees will not be required to discharge any accrued paid time off before receiving benefits under this policy.

K. Upon expiration of Paid Parental Leave, employees may choose to use their remaining accrued time if they require additional time off, subject to normal leave approval procedures.

6. **Sick Leave Extension (Local 1033):**

A. Any employee represented by the Laborers' Union Local 1033 with at least five (5) years of continuous service, who contracts a serious illness, may be granted, with the approval of the Chief People Officer in consultation with their department director, an extension to their leave of absence, not to exceed ninety



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(90) days after discharge of all accrued paid time off over the full term of their employment with the City of Providence.

- B. Sick leave extensions are granted in thirty (30) working day increments and must be requested using the Sick Leave Extension Application, accompanied by a letter from the employee's treating health care provider stating the time the employee is required to be out of work. Any unused time in the 30 days granted will not be retained for future use. Following review by the employee's department director and the Chief People Officer, employees will receive notification of the decision on their Sick Leave Extension request as outlined above in leave administration.

- C. **Emergency Sick Leave Bank**

In addition to the Sick Leave Extensions Local 1033 Union has an Emergency Sick Leave Bank for once all other leave options have been exhausted.

1. Eligible Local 1033 members may apply for additional paid leave through the Emergency Sick Leave Bank, jointly administered by a Committee appointed by the City of Providence and Local Union 1033.
2. The Committee reviews all written requests and makes final, binding decisions that are not subject to the grievance process.
3. Members with less than five (5) years of seniority may access the Bank if they have contributed, while those with five (5) or more years must first exhaust the ninety (90) days of Sick Leave Extension under Article XIII, Section 2 of the CBA.
4. For more information please see Appendix A of the [CBA](#).

7. **General Leave of Absence:**

- A. Any full-time, regular employee may be granted a leave without pay, not to exceed one (1) year, for reasons of personal illness, disability, or other purpose deemed proper and approved solely at the discretion of the Chief People Officer (CPO). Except for employees on leave due to medical reasons, employees on unpaid leave of any nature shall not accrue sick or vacation time after twenty-six (26) weeks of unpaid leave.
- B. Employees seeking a General Leave of Absence must complete a General Leave of Absence Application and return it to Department of People and Culture (DPC). Employees must also provide appropriate documentation to support the reason for the leave. If the leave is to cover a medical reason, employees are required to attach supporting medical documentation. The employee's director will complete their portion of the application and forward the completed form to DPC for final review, including their recommendation for approval or denial. Employees will then receive notification of the decision on their leave of absence request as outlined above in leave administration.
- C. While on a General Leave of absence employees approved for a General Leave of Absence due to medical reasons are required to discharge all accrued and available paid sick leave prior to going unpaid. After exhausting sick leave, employees may elect to either use accrued vacation, floating holiday time, or transition to unpaid leave.
- D. Employees must indicate their choice regarding the use of additional accrued time on the Leave of Absence Application. Final determination regarding the required use of accrued time rests with the CPO, who may mandate the use of available accruals as appropriate based on operational needs and the nature of the leave.

8. **Military Leave:**

- A. The City of Providence supports employees who serve in the uniformed services and grants military leave in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA), applicable Rhode Island state laws, and City Ordinance.



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- B. Military leave is provided to employees who are members of the National Guard or Reserve components of the United States Armed Forces and are called to active duty, scheduled reserve service and temporary training duty.
 - C. Employees are expected to provide written or verbal notice of upcoming military leave to their supervisor and the Department of People and Culture at least two (2) weeks prior to the start of the leave, when practicable. Employees should also submit a copy of their military orders and comply with any standard departmental procedures regarding leave communication.
 - D. Under the City Ordinance, officers and full-time employees ordered to full-time active duty or training by the appropriate military authority are entitled to up to fifteen (15) days of paid military leave per calendar year, during the actual period of such service.
 - E. If military service exceeds fifteen (15) days in a calendar year, the City will continue to support employees financially in accordance with City Ordinance by providing military pay differential. The City will pay the difference between the employee's regular city salary (including longevity and any applicable salary increases during the leave period) and the compensation received from military service, if the city salary is higher.
 - 1. Employees must provide documentation of their military pay, such as a Leave and Earnings Statement (LES) to allow for proper calculation of the differential.
 - F. Upon completion of military service, employees must report back to work or request reinstatement within the timeframes established by USERRA. Employees who return within these timelines will be reinstated to the same or comparable position with the same status, pay, and seniority as if they had not been absent.
 - G. The City strictly prohibits any discrimination or retaliation based on an employee's membership in the uniformed services or their military obligations.
9. **Holiday Pay on Leave**
- A. To be eligible for holiday pay, employees must work at least one day during the week in which the holiday falls or during the prior week. Employees may also be eligible if they utilize accrued vacation time, floating holiday, personal time, or bereavement leave, or jury duty for at least one day during either of those weeks.
 - B. For the purposes of this policy, floating holiday and personal time are treated the same as vacation time.
 - C. Employees who exclusively use accrued sick time during both the holiday week and the entire preceding week will not receive holiday pay, even if the employee is on approved leave, including FMLA/ RIFFMLA leave. In such cases, accrued sick time will be applied in lieu of holiday pay and will be deducted from the employee's accrued sick time balance.
10. **Important Reminder (Order of Discharge)**
- A. Employees on FMLA/RIFFMLA, or other approved leave related to their own health condition must exhaust all accrued sick time before using any other form of paid time off. Once sick time is exhausted, the employee may use other accrued paid leave or convert to unpaid leave status.
 - B. Employees on unpaid leave status for the entire week of the holiday and the entire preceding week are not eligible to receive holiday pay.
 - C. Payments received under the Sick Leave Extension provision of this policy are treated the same as regular sick time for purposes of holiday pay eligibility.
11. **Protection from Discrimination and Retaliation**
- A. The City of Providence strictly prohibits any form of discrimination, interference, or retaliation against employees or applicants related to the use or exercise of leave rights, including those provided under the



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Family and Medical Leave Act (FMLA), Rhode Island Parental and Family Medical Leave Act (RIPFMLA), or any other approved City leave.

- B. Supervisors and managers are prohibited from taking any adverse employment action against an individual because they have exercised, attempted to exercise, or supported the exercise of leave rights. This includes, but is not limited to:
 - 1. Discouraging or deterring employees from using leave.
 - 2. Altering an employee's duties or job functions to prevent use of leave.
 - 3. Retaliating against an employee who uses or requests protected leave.
- C. Additionally, supervisors may not discharge or discriminate against any person (employee or non-employee) because they have:
 - 1. Opposed or reported a violation of the FMLA or related leave policies.
 - 2. Filed a complaint or charge under the FMLA or related laws.
 - 3. Participated in an investigation or proceeding related to FMLA rights.
 - 4. Provided or are about to provide information or testimony in an FMLA-related matter.
 - 5. Exercised their right to take job-protected leave.
- D. Any violation of this policy may result in disciplinary action, up to and including termination

12. **FMLA Poster Requirement**

- A. As an employer with 50 or more employees, the City of Providence is required to post the FMLA General Notice- [Notice to employees of Rights under FMLA](#) in a conspicuous location where it is readily visible to both employees and job applicants. The poster must be large enough to be easily read, and the text must be clearly legible.
- B. Postings are located in the Department of People and Culture, as well as on the [department website](#).
- C. Failure to maintain the required posting may result in penalties under federal law.

13. **Training and Leave Education**

- A. The Department of People and Culture (DPC) will provide annual training for all department heads and supervisors on the proper administration of leave policies, including FMLA, RIPFMLA, and other City leaves.
- B. Training will also be conducted upon demand or need. Training will cover:
 - 1. Legal obligations and employee rights
 - 2. Recognizing potential leave-qualifying situations
 - 3. Confidentiality and communication protocols
 - 4. Coordination with DPC for leave approvals and return-to-work planning
- C. **Employee Leave Education**
Employees seeking or considering a leave of absence may request a one-on-one or group information session with the Leave Administrator. These sessions are designed to:
 - 1. Explain available types of leave
 - 2. Review eligibility requirements and required documentation
 - 3. Outline steps for applying and what to expect during leave
 - 4. Clarify impact on pay, benefits, and job protection
- D. Employees are encouraged to reach out to DPC or the Leave Administrator as early as possible to receive guidance and ensure a smooth leave process. Employees can find guides and information posted in the Department of People and Culture office, as well as on the [department website](#).

14. **Compliance**



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- A. If an employee fails to properly notify the City of Providence of the need for leave, provide timely and sufficient medical certification, or properly keep the department notified of their expected return to work date or need for additional leave, the leave designation may not be authorized and the leave denied.
- B. The employee requesting leave is responsible for meeting the requirements of taking a leave and keeping respective parties up to date on any changes to their leave status. Failure to comply with the City's application process despite submission of documents outside of the process does not constitute a valid application.
- C. Failure to comply with this policy is subject to disciplinary action in accordance with applicable disciplinary procedures.

Appendix:

An employee in good standing would generally:

- 1. Maintain satisfactory job performance, meeting or exceeding expectations in their role.
- 2. Have a history of reliable attendance, with no patterns of abuse or excessive unexcused absences.
- 3. Be compliant with workplace policies, including code of conduct, safety rules, and DPC procedures.
- 4. Not be subject to active disciplinary action at the time of the leave request.

Related Policies:

Code of Conduct

Time Clock Policy

Attendance Notification Policy

Paid Time Off

Non- Union Sick Bank Time Donation Program

Other Related Information:

[Local 1033 Collective Bargaining Agreement](#)

City Ordinance ([Section 17-95](#))