

# Cape Elizabeth Fire Department

## Policy & Procedure Manual

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**Policy:** Employee Leave

**Section:** Personnel

**Policy #** 6.1

**Date Effective:** 01-01-2006

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An employee of permanent standing may be granted a leave of absence without pay by the Town Manager upon recommendation of the Chief of Department. Such leave of absence without pay shall not exceed one year in length and shall only be granted when it appears because of the past record of the employee, or because of the purpose for which the leave is requested, that it is to the best interest of the Department to grant the leave. Absence from duty for an approved leave of absence shall not constitute a break in service.

### **ADMINISTRATIVE LEAVE**

The Chief of Department may place an employee on administrative leave during periods of medical assessment, department investigation and suspension. Non-full time employees on administrative leave will not receive pay. Employees placed on Administrative Leave will not respond to emergencies, attend trainings or work details, or be in Department buildings or apparatus unless summonsed by the Chief of Department or to appear for official hearings.

### **EDUCATIONAL LEAVE**

Employees in good standing with the Department may request in writing to the Chief of Department educational leave to pursue advanced education. The employee requesting the leave should indicate the course of study, time of expected leave and the benefit provided to the Department. All educational leave requests will be reviewed and granted by the Chief of Department on a case-by-case basis.

### **FAMILY MEDICAL LEAVE**

The Department complies with the U. S. Federal Family and Medical Leave Act of 1993 as may be amended from time to time. Covered employees are those individuals who have a least twelve months service with the Town and who have worked at least 1,250 hours of service during the 12-month period immediately proceeding commencement of the leave.

Family leave may be taken to care for an employee's child after birth, adoption or foster care, to care for an employee's spouse, son or daughter, or parent who has a serious health condition, or for a serious health condition that makes the employee unable to perform their job.

The Town may require medical certification to support a request for leave because of a serious health condition. Up to 12 weeks of unpaid family leave is permitted in a 12 month period.

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The employee must provide 30 days advance notice when a leave is foreseeable. An employee may utilize accumulated sick leave and vacation time as a substitute for unpaid family leave.

During any family leave absence, the Town shall continue health insurance in the same manner as is provided for other qualified employees. The use of family leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Sick leave and vacation time will not accrue during an unpaid family leave. Upon return from family leave, an employee shall be restored to their original or equivalent position.

On-call and volunteer employees may request a medical leave of absence from the Chief of Department, unrelated to Family Medical Leave. The Chief of Department may grant a leave of absence on a case-by-case basis related to medical leave conditions. During a medical leave on-call and volunteer employees will not respond to emergency calls or engage in training and work details.

## **MILITARY RESERVE SERVICE LEAVE**

Permanent employees who are members of the organized Military Reserves, and who are required to perform field duty, will be granted Reserve Service Leave, in addition to vacation leave, but not to exceed two weeks in any calendar year. For any such period of Reserve Service Leave, the Town will pay the employee the balance between service pay and the employee's regular compensation, the total equaling the regular pay of the employee had he been in the service of the Town during the period of leave, provided that the employee on Reserve Service furnishes the Chief of Department an official statement by military authorities giving the rank, pay and allowances.

Part-time employees who work a regular weekly schedule of 15 or more hours per week on a year-round basis shall receive reserve service leave time on a pro rata basis.

All employees on military leave will be guaranteed the rank and pay they received upon their return from active military service.

## **ACTING POSTIONS**

When a Chief Deputy, Captain or Lieutenant are out on any of the above listed leaves for a period of more than thirty (30) days than an acting officer will be appointed to fill their position by the Chief of Department.