

Avon Town Council

Ordinance 202 6-03

Amending Employee Handbook to Modify FMLA Policy

Whereas, the Town Council periodically reviews the Employee Handbook in order to promote legal compliance, ease of administration, and to otherwise improve the policies contained therein; and

Whereas, the Town Council wishes to amend the Town Employee Handbook in order clarify the correct administration of the Town’s Family Medical Leave Act Policy, as well as to eliminate moot sections relating to Emergency Family Medical Leave Act; and

Whereas, the Town Council finds that Section 6.04.6, should be amended as shown below; and

Whereas, the Town Council finds that Section 6.09.9 should be revoked as shown below; and

Whereas, the Town Council finds that the amendments to the Employee Handbook should be effective upon adoption.

It is therefore ordained that Section 6.04.6 of the Employee Handbook is hereby amended to read as follows:

“6.04.6 Compensation for FMLA Leave - The Town provides two types of FMLA leave. First, the Town will provide one-hundred sixty (160) hours of paid FMLA leave to eligible employees during each twelve-month period. Second, the Town will provide three hundred and twenty (320) hours of unpaid FMLA leave to eligible employees during each twelve-month period. Paid FMLA leave will be granted only in eight (8) hour minimum periods. Unpaid leave may be taken in periods of less than eight (8) hour periods but not less than two (2) hour periods. Employees

will be required to first use any **accrued paid-time-off (PTO), holiday**, vacation and sick days before taking **FMLA** unpaid family leave. An eligible employee shall take any accrued PTO prior to taking unpaid leave under the FMLA. Such paid leave will be counted towards the employee's 12 weeks of FMLA leave granted per leave year. For example, if an employee has one (1) week of PTO that can be applied toward the twelve (12) weeks leave, then only eleven (11) weeks FMLA unpaid leave needs to be provided. The Town does not provide paid FMLA leave for part-time, seasonal employees or other non-full-time employees. Part-time employees, seasonal employees and other non-full-time employees may be eligible for unpaid FMLA leave as provided for in this Section and by federal law."

It is further ordained that Section 6.09.9 of the Employee Handbook is hereby revoked as follows:

~~**6.04.9 Emergency Paid Family and Medical Leave** – Beginning April 2, 2020 and ending on December 31, 2020, the Town of Avon will provide emergency paid Family and Medical Leave Act leave (EFMLA), as provided in this Section, for eligible employees of the Town. This paid FMLA leave program, which meets the requirements of the federal Families First Coronavirus Response Act of 2020 (FFCRA), provides to all eligible employees of the Town up to twelve (12) weeks of additional leave, all of which is paid leave except for the first two weeks, for employees who cannot work due to a qualifying event related to the Coronavirus 2019 emergency.~~

~~**6.04.9.1 Eligible Employees** – In order to be eligible for EFMLA, an employee must have been employed by the Town for at least 30 days and have a qualifying event.~~

~~**6.04.9.2 Qualifying Events** – An eligible employee is entitled to EFMLA if an employee is not able to work or work from home because of any of the following qualifying events:~~

~~**6.04.9.2.1 Self-Isolation** – The Employee has a need for leave in order to comply with a recommendation or order by a public official with jurisdiction or health care provider that the employee's physical presence on the job would jeopardize the health of others because (a) exposure to COVID-19 or (b) the employee is exhibiting symptoms of COVID-19 and the employee is unable to both perform the functions of his or her position and comply with such recommendation or order;~~

~~**6.04.9.2.2 Care for Family Member** – The employee has a need for leave in order to care for a family member of the employee with respect to whom a public official with jurisdiction or a health care provider makes a determination that the presence of the family~~

~~member in the community would jeopardize the health of other individuals because of the (a) exposure of such family member to COVID-19 or (b) the family member exhibits symptoms of COVID-19. For purposes of this section, the term “family member” means a parent, spouse, son or daughter under the age of 18 years old, a son or daughter or next of kin who is pregnant, a senior citizen, has a disability or has functional needs, a grandparent or a grandchild; or~~

~~**6.04.9.2.3 Child Home from School** – The employee is caring for a child, step-child or ward who is under the age of 18 years and is at home with the employee because of a school or child care facility closure related to the COVID-19 emergency.~~

~~**6.04.9.3 Leave Benefit** – An eligible employee who experiences a qualifying leave as described in Section 6.04.9.2 is entitled to up to twelve (12) weeks of EFMLA leave as follows:~~

~~**6.04.9.3.1 Unpaid EMFLA** – The first fourteen (14) days of EFMLA leave is unpaid.~~

~~**6.04.9.3.2 Paid EMFLA** – After the first fourteen (14) days of EFMLA leave, a full-time employee is entitled to receive compensation equal to two-thirds of the employee’s normal salary or wage up to Two Hundred Dollars (\$200) per day, but not to exceed a total of Ten Thousand Dollars (\$10,000) in 2020. For an employee other than a full-time employee, the amount of paid EFMLA will not exceed two-thirds of the amount of wages the employer expected to pay the employee during the leave period. If the employee is not scheduled to work during the qualifying event or if the irregular nature of the employee’s hours makes it difficult to determine the number of hours the employee would work, the leave benefit will be the average number of hours the employee worked in the six-month period immediately prior to the leave period.~~

~~**6.04.9.4 No Requirement to Exhaust Other Leave** – An employee is not required to exhaust other paid or unpaid leave prior to taking EFMLA leave.~~

~~**6.04.9.5 Additional Benefit** – The EFMLA leave provided for in this section is in addition to other Family Medical Leave Act leave, Paid Time Off (PTO), and other leave provided to the employees.~~

~~**6.04.9.6 Application for Leave** – Any employee who believes that they have experienced a qualifying event may apply for the leave benefit by notifying the employee’s supervisor and completing in and all applications and providing such documentation as is deemed by his or her supervisor to be required under this policy. The employer will determine whether the~~

~~employee is eligible for leave and will notify the employee of the determination.~~

~~**6.04.9.7 No Right to Compensation for Unused EFMLA**— At termination of the employee’s employment, the employee has no right to compensation for unused EFMLA leave.~~

~~**6.04.9.8 Violation of Policy**— Any employee who violates this policy or who obtains EFMLA leave by providing false information to his or her employer will be subject to discipline, including but not limited to suspension and termination.”~~

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that any provisions of the Town Code of Ordinances and Employee Handbook which are not specifically amended by this ordinance shall remain in full force and effect.

Adopted this _____ day of _____, 2026.

Avon Town Council:

Dawn Lowden, President

Jayson Puckett, Vice President

William Holland, Member

Robert Pope, Member

Greg Zusan, Member

Attest:

Julie Loker, Clerk-Treasurer