

<b>SUBJECT:</b>	<b>FAMILY AND MEDICAL LEAVE OF ABSENCE</b>		
<b>POLICY:</b>	<p>This policy applies to all eligible employees of St. Joseph's Medical Center.</p> <p>Staff covered by a collective bargaining agreement should refer to their contract regarding guidelines for leaves of absence.</p> <p>This policy adopts the provisions of the Family and Medical Leave Act (FMLA) of 1993 and provides guidelines to ensure compliance.</p>		
<b>PROCEDURE:</b>	<p>The FMLA provides eligible employees to take unpaid, job-protected leave for certain family and medical reasons with the continuation of group health insurance coverage. Amendments to the FMLA also provide for military family leave in the form of qualifying exigency leave and military caregiver leave. In cases where employees are eligible for any other type of leave, such as disability or worker's compensation, that leave time will always run concurrently with the FMLA leave. Staff covered by a collective bargaining agreement should refer to their contract regarding guidelines for FMLA. Certain provisions of the FMLA may be superseded by the terms of a collective bargaining agreement.</p> <p>In order to be eligible for FMLA leave, an employee must have been employed for at least 12 months cumulatively, and must have worked at least 1,250 hours during the 12-month period preceding the requested commencement of the leave. Paid and unpaid leaves of absence taken prior to FMLA leave are not counted towards the 1,250 hours with exception of USERRA covered military leave, which will be counted in accordance with federal law.</p> <p>Eligible employees will be entitled up to twelve (12) weeks of unpaid leave in a rolling twelve (12) month period (except for military caregiver leave which is 26 weeks within a rolling 12-month period). Under a "rolling" period, when an employee applies for an FMLA leave the Medical Center will look back over the prior twelve (12) months to determine how much FMLA leave has been used and subtract the already used FMLA leave from the maximum 12-week allowance to determine the employee's current maximum FMLA leave time.</p> <p><u>Use of Accrued Time</u></p> <p>If the leave is for the employee's own serious health condition, all accrued but unused sick time must be substituted for unpaid FMLA leave. Once all sick time is exhausted, accrued but unused vacation, personal and holiday time must then be substituted for unpaid FMLA leave.</p> <p>If the leave is for any reason other than the employee's own serious health condition, all accrued but unused vacation, personal and holiday time must be substituted for unpaid FMLA leave. In all of these cases the FMLA leave runs concurrently with the paid time off.</p>		
<b>Vice President, Human Resources:</b> 	<b>Effective Date:</b> February 12, 2015 <b>Revised:</b> April 3, 2018	<b>Index:</b> 005-581	<b>Sheets:</b> 1 of 6
<b>Distribution:</b> All Employees	<input checked="" type="checkbox"/> Supersedes 005-553	<input type="checkbox"/> References	<input type="checkbox"/> Supplements

<b>SUBJECT:</b>	<b>FAMILY AND MEDICAL LEAVE OF ABSENCE</b>		
<b>PROCEDURE:</b>	<p><u>Qualifying Events for FMLA</u></p> <p>Twelve workweeks of leave in a twelve-month period for:</p> <ol style="list-style-type: none"> <li>1. The birth of a child and in order to care for the child;</li> <li>2. The placement with the employee of a child for adoption or in foster care and to care for the newly placed child within one year of placement;</li> <li>3. In order to care for the employee's spouse, son, daughter or parent who has a serious health condition;</li> <li>4. The employee's own serious health condition that makes the employee unable to perform the essential functions of his or her job; Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty;</li> <li>5. Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).</li> </ol> <p>Any qualifying exigency leave arising out of the fact that the employees spouse, son daughter or parent is a covered military member on covered active duty.</p> <p><u>Birth Adoption or Placement of a Child in Foster Care</u></p> <p>A leave for the birth, adoption or placement of a child in foster care may commence at any time within 12 months of the date of the birth, adoption or placement but must be completed within 12 months of the birth adoption or placement. Leave for this purpose must be taken all at one time and not on an intermittent basis.</p> <p><u>Serious Health Condition</u></p> <p>A serious health condition is defined as an injury, illness, impairment, physical or mental condition that requires inpatient care or a condition that requires continuing care by a licensed health care provider.</p> <p>Some common serious health conditions that qualify for FMLA leave include conditions requiring an overnight stay in a hospital or other medical care facility; conditions that incapacitate for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication); chronic conditions that cause occasional periods when the employee is incapacitated and that require treatment by a health care provider at least twice a year; and pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest.</p>		
<p>Vice President, Human Resources:</p> <p><i>Dean Ciritello</i></p>	<p><b>Effective Date:</b> February 12, 2015</p> <p><b>Revised:</b> April 3, 2018</p>	<p><b>Index:</b> 005-581</p>	<p><b>Sheets:</b> 2 of 6</p>
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<b>PROCEDURE:</b>	<p><u>Definition of Son or Daughter Under the FMLA</u></p> <p>The FMLA defines a “son or daughter” as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The definition of “son or daughter” is limited to children under the age of 18 or 18 years of age or older and incapable of self-care because of a mental or physical disability.</p> <p><u>Qualifying Exigency Leave</u></p> <p>The Medical Center will grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee’s spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member’s absence.</p> <p><u>Military Caregiver Leave</u></p> <p>The Medical Center will grant an eligible employee up to a total of 26 workweeks of unpaid, job-protected leave during a “single 12-month period” to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member.</p> <p>For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran’s ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.</p> <p><u>Intermittent FMLA Leave</u></p> <p>Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis.</p> <ul style="list-style-type: none"> <li>• Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee’s serious health condition.</li> </ul>		
<p><b>Vice President, Human Resources:</b>  </p>	<p><b>Effective Date:</b>                  February 12, 2015  <b>Revised:</b> April 3, 2018</p>	<p><b>Index:</b>                  005-581</p>	<p><b>Sheets:</b> 3 of 6</p>
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<b>PROCEDURE:</b>	<p>Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisor to schedule the leave so as not to unduly disrupt the department's operations. The Medical Center may transfer an employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.</p> <p><u>Job Protection</u></p> <p>Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. In circumstances when the leave exceeds the period i permitted under the FMLA, the leave will not include the job protections of the FMLA, but the Employee can reapply for any vacant position at the time he or she is able to return to work. For more information on medical leaves exceeding FMLA protections, see the Unpaid Leave of Absence Policy.</p> <p><u>Continuation of Benefits</u></p> <p>Health and welfare benefits will continue during the FMLA leave, at the same level and conditions as if employees had continued to work, so long as he or she continues to contribute their share if the benefit costs. All life insurance benefits held by the employee as a result of his or her employment at the Medical Center will be continued for a period of twelve (12) weeks at the cost which the employee is currently paying through payroll deduction, subject to any plan-wide increases or decreases in the premium rates during the leave period.</p> <p>If the employee is unable to satisfy contributions through payroll deduction while on leave, such payments must be submitted on a monthly basis to Human Resources.</p> <p>Employees will be notified of delinquent payments and the month owed for continued coverage. Failure of an employee to make payments of their share of the premiums will result in loss of coverage.</p> <p>The Medical Center may recover some or all of the premiums paid for maintaining coverage for the employee on unpaid leave if the employee does not return form the leave, at the expiration of the leave period, unless the failure to return is caused by the continuation, recurrence or onset of a serious health condition that entitles the employee to leave for circumstances beyond the control of the employee.</p>		
<p>Vice President, Human Resources:</p> <p><i>Dean Ciritello</i></p>	<p><b>Effective Date:</b> February 12, 2015</p> <p><b>Revised:</b> April 3, 2018</p>	<p><b>Index:</b> 005-581</p>	<p><b>Sheets:</b> 4 of 6</p>
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<b>PROCEDURE:</b>	<p><u>Advance Notification of FMLA</u></p> <p>The employee must give the Medical Center thirty (30) days written notice before the beginning of the leave when it is reasonably foreseeable. However, if the leave is not foreseeable or will begin in less than thirty (30) days, the employee shall provide notice as soon as practicable. Failure to provide a timely request, whenever possible, may cause delay in approving leave. An employee must provide enough information for Medical Center to know that the leave may be covered by the FMLA, and when and how much leave the employee anticipates needing to take. Once approved for a particular FMLA leave reason, if additional leave is needed for that reason, the employee must reference that reason or the need for FMLA leave. In all cases, the Medical Center may ask additional questions and/or for a certification to determine if the leave is FMLA-qualifying.</p> <p>The Medical Center requires that an employee provide reasonable notice if the need for FMLA leave changes while the employee is out on FMLA leave.</p> <p><u>Certification of Health Care Provider</u></p> <p>When an employee requests a leave for a family member's or his/her own serious health condition, the employee must provide the following certified information to the Medical Center:</p> <ol style="list-style-type: none"> <li>1. The probable duration of the condition, if different, the period of incapacity from work:             <ol style="list-style-type: none"> <li>a. The appropriate medical certification from the health care provider</li> <li>b. Any additional information as needed as requested by the Medical Center</li> </ol> </li> </ol> <p>The Medical Center will require the employee to submit a certification from a health care provider to support the employee's need for FMLA leave to care for a covered family member with a serious health condition or for the employee's own serious health condition. The employee is responsible for providing a complete and sufficient certification within 15 calendar days after the employer's request.</p> <p>The employee is responsible for paying for the cost of the medical certification and for making sure the certification is provided to the employer. If the certification is incomplete or insufficient, the Medical Center must give the employee a written notice stating what additional information is necessary to make the certification complete and sufficient.</p> <p>The employee must provide the additional information to the employer within seven calendar days, in most circumstances.</p>		
<p>Vice President, Human Resources:</p> <p><i>Dean Vitello</i></p>	<p><b>Effective Date:</b> February 12, 2015 <b>Revised:</b> April 3, 2018</p>	<p><b>Index:</b> 005-581</p>	<p><b>Sheets:</b> 5 of 6</p>
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<b>PROCEDURE:</b>	<ul style="list-style-type: none"> <li>• A certification is considered “incomplete” if one or more of the applicable entries on the form have not been completed.</li> <li>• A certification is considered “insufficient” if the information provided is vague, unclear, or non- responsive.</li> </ul> <p>If an employee does not provide the requested certification within the time required or fails to provide a complete and sufficient certification despite the opportunity to cure any deficiencies, the Medical Center may deny the employee’s request for FMLA leave. The Medical Center may request the employee to provide a recertification every 30 days. The Medical Center may request a recertification in less than 30 days only if:</p> <ul style="list-style-type: none"> <li>• the employee requests an extension of leave,</li> <li>• the circumstances described by the previous certification have changed significantly, or the Medical Center receives information that causes it to doubt the employee’s stated reason for the absence or the continuing validity of the existing medical certification.</li> </ul> <p><u>Return to Work and Fitness for Duty Certification</u></p> <p>Except for certain key employees, any employee returning from leave shall be restored to his or her position before the leave began or to an equivalent position with equivalent benefits, pay and other terms and conditions of employment in accordance with the requirements of the FMLA</p> <p>In the case of a leave due to a serious health condition that makes an employee unable to perform the essential functions of his or her position, the employee will be required, as in the past, to provide certification from an appropriate health care provider that they are able to resume work and perform the essential functions of his or her job or the equivalent job (with or without reasonable accommodations). This return to work or “fitness-for-duty” certification, from the employee’s health care provider must be provided to the Employee Health Nurse, who will make a determination whether such certification is sufficient to clear the employee to return to duty. If the paperwork is insufficient then the Employee Health Nurse will notify Human Resources Department, who will discuss with the employee the necessary paperwork required, before the employee will be permitted to resume work at the Medical Center.</p> <p><u>Questions Regarding this Policy</u></p> <p>The Medical Center will evaluate each request for FMLA leave individually and in accordance with this policy. The Human Resources Department should be contacted for further explanation, if necessary, of this policy. All required FMLA forms are available from the Human Resources Department.</p>		
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