Family and Medical Leave Act Policy Statement



An employee who has worked for XXX for at least twelve (12) months (whether or not consecutive) and for at least 1,250 hours during the previous twelve (12) months is entitled to take Family Medical Leave under the circumstances described below.

BASIC LEAVE ENTITLEMENT

XXX will allow eligible employees to take Family Medical Leave for the following qualifying reasons:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a 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;" **or**
- 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).

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from

performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

LENGTH OF LEAVE – 12 WEEKS EXCEPT WHERE NOTED ABOVE UNDER MILITARY LEAVE

Eligible employees may use a maximum of twelve weeks of FMLA Leave during a rolling 12-month period. A "rolling 12-month period" is defined by XXX to be the 12-month period measured backward from the first day of any Family Medical Leave used by an employee.

Family Medical Leave need not be taken at one time. It may also be taken on an intermittent basis or used to reduce your work schedule during the period of the serious illness, if there is a medical need for such leave and that need can best be accommodated through an intermittent or reduced leave schedule. If you need intermittent Family Medical Leave or a reduced schedule, you must attempt to schedule the Leave so as not to disrupt the operations of XXX. XXX may assign you to an alternative position with equivalent pay and benefits that better accommodates your intermittent leave or reduced schedule.

PAYMENT FOR FMLA LEAVE

Family Medical Leave will be unpaid unless the employee chooses to use accrued paid vacation time or sick leave. Employees have the right to use any amount of accrued, unused paid leave for any part of the 12-week period. However, accrued paid leave may not be used to extend FMLA Leave. FMLA Leave will run concurrently with absences from work covered by workers' compensation. **Notices**

You must give reasonable notice of the need to take FMLA Leave to XXX when it is foreseeable.

“Reasonable notice” means notice that is given as soon as is practicable. If the necessity for Family Medical Leave is based on planned medical treatment, you must provide at least thirty (30) days’ notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the organization’s operations, subject to the approval of the health care provider.

XXX requires that any Family Medical Leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule,

be supported by the certification of a health care provider on the form provided by XXX for that purpose. Copies of the Certification of Health Care Provider form are available from the YYY department. You must obtain a recertification of the need for leave for your serious illness or that of a family member every thirty (30) days or at the end of the predicted minimum period of absence (whichever is later) in order to establish the continuing need for Family Medical Leave.

If you are taking Family Medical Leave because of your own serious illness, you must present certification from your health care provider indicating that you are able to return to work.

UPDATES WHILE ON LEAVE

Any employee on Family Medical Leave must report to XXX periodically, but at least once per month, regarding his/her status and intent to return to work. Additionally, an employee must notify XXX as soon as possible when he/she is able to return to work so that the organization may make the appropriate arrangements to reinstate the employee.

RETURN FROM LEAVE

Upon returning from leave, you will be returned to your previous position, or a comparable position with equal pay, benefits, seniority, and other terms and conditions of employment, unless one of the following exceptions applies. If, during the period of Family Medical Leave, XXX would have ended your employment or you would have been laid off for reasons unrelated to the leave, XXX will not reinstate you to your previous position. Additionally, if you performed unique services and hiring a permanent replacement during the leave was necessary to prevent substantial and grievous economic injury to XXX, we will notify you of XXX’s intent not to reinstate you after the expiration of your Family Medical Leave.

If you choose not to return to work at the expiration of the Family Medical Leave for reasons other than the continuation of a serious illness or reasons beyond your control, you must reimburse XXX for the employer portion of premiums it paid in maintaining group health and dental benefits during your Family Medical Leave.

If you do return from Family Medical Leave, you will be restored to your former position, or to an equivalent position with equivalent pay, and you will be credited for benefits and other terms and conditions of employment for the time you were on Family Medical Leave.