



Family Medical Leave Policy

The federal Family & Medical Leave Act of 1993 (FMLA) as amended, provides eligible employees with unpaid leave in a rolling 12 month period for specified family and medical reasons. There are two types of leave available, including Basic FMLA Leave, as well as Military Family Leave.

Employees are eligible for FMLA leave if they:

- Have worked for the company for at least 12 months;
- Have worked at least 1,250 hours for the company during the 12 calendar month immediately preceding the request for leave; *and*
- Are employed at a work site that has 50 or more employees within a 75-mile radius.

The 12 months of service need not be consecutive. Employment before a break in service of 7 years or more will not be counted. Employees with any questions about their eligibility for FMLA leave should **contact the Branch Manager.**

Basic FMLA Leave

Employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons:

- To care for the employee's son or daughter during the first 12 months after birth
- To care for a child during the first 12 months following placement with the employee for adoption or foster care.
- To care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition.
- For incapacity due to the employee's pregnancy, prenatal medical or child birth.
- Because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.
- In cases where a married couple is employed by the same company, the two spouses together may take a *combined total* of 12 weeks' leave during any 12-month period for reasons 1 and 2, or to care for the same individual pursuant to reason 3.

Military Family Leave

There are two types of Military Family Leave available.

1. **Qualifying exigency leave.** Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Covered active duty means duty during deployment with the Armed Forces to a foreign country (for a member of a regular component of the Armed Forces); or duty during deployment with the Armed Forces to a foreign country under a call or order to active duty (for a member of a reserve component of the Armed Forces).

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)
- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's covered active duty status)

- Other activities arising out of the service member's covered active duty or call to active duty and agreed upon by the company and the employee

2. **Leave to care for a covered service member.** There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from an injury or illness.

A covered service member is:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

A "serious injury or illness" means:

- For a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or
- For a veteran who was a covered service member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

When both husband and wife work for the same employer, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Pay, Benefits, and Protections during FMLA Leave

Family medical leave is unpaid.

Substitution of paid time off for unpaid leave. If an employee does not choose to substitute accrued paid leave, the employer may require the employee to substitute accrued paid leave for unpaid FMLA leave, as determined by the terms and conditions of the employer's normal leave policy.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Furthermore, in no case can the substitution of paid leave time for unpaid leave time result in the receipt of more than 100 percent of an employee's salary. An employee's family medical leave runs concurrently with other types of leave, i.e., paid vacation.

Medical and other benefits. During an approved family medical leave, the company will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through payments to Qualified Staffing or upon return from leave through double deductions. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Return to job at end of FMLA leave. Upon return from FMLA leave, eligible employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Employee Responsibilities When Requesting FMLA Leave

If the need to use FMLA leave is foreseeable, the employee must give the company at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to *the Branch Office using the Request for Family/Medical Leave form available from the Branch Office.*

When submitting a request for leave, the employee must provide sufficient information for the company to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave. *Calling in "sick" is not sufficient.* Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the company if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

When an employee requests leave, the company will inform the employee whether he or she is eligible under the FMLA. If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the company will provide the employee with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA-protected, the company will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.

Medical Certification

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from the Branch Office. When the employee requests leave, the company will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after leave is requested). If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The company, at its expense, may require an examination by a second healthcare provider designated by the company, if it reasonably doubts the medical certification initially provided. If the second healthcare provider's opinion conflicts with the original medical certification, the company, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The company may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided. Employees may also be required to provide a fitness-for-duty certification upon return to work, or during intermittent leave, as required.

Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the company one week before they are scheduled to return from leave. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

Intermittent and Reduced-Schedule Leave

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the company will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the company may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and that has equivalent pay and benefits.