



Terry Reilly Health Services

FAMILY MEDICAL LEAVE POLICY

TRHS shall comply with the Family Medical Leave Act (FMLA) that provides eligible employees the right to take up to 12 weeks of unpaid, job-protected leave for qualifying circumstances. As such, TRHS will not interfere with, restrain, or deny the exercise of any right provided under FMLA, nor will TRHS discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Forms for leave requests may be obtained from the Human Resources department and are available via the TRHS intranet.

- a) **Eligibility** -- Employees are eligible if they have worked for TRHS for at least 12 months (does not need to be consecutive), for at least 1250 hours over the previous 12 months.
- b) **Purpose of Leave** -- Employees may request a Family Medical Leave for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or child birth;
 - To care for the employee's child after birth, or placement for adoption or foster care;
 - To care for the 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 his/her job; or
 - For Military Family Leave.

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 a 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.

Military Family Leave -- Employees with a spouse, 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 servicemember during a single 12-month period. A covered servicemember 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 servicemember medically unfit to perform his or her duties for which the servicemember

is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

- c) **TRHS Responsibilities** – TRHS will inform employees requesting leave of their rights and responsibilities, will specify whether any additional information is required, and will identify whether the employee and the leave are eligible under FMLA. If the employee is not eligible, TRHS will provide a reason for the ineligibility. TRHS will inform employees if the leave will be designated as FMLA-protected leave and the amount of leave that will be counted against the employee’s leave entitlement.
- d) **Employee Responsibilities** -- The employee must make a reasonable effort to schedule leave to avoid disrupting operations. Employees are required to provide 30 days advance notice when the leave is foreseeable or as much notice as practical. Employees must provide sufficient information in order to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees must also identify if the requested leave is for a reason for which FMLA leave was previously taken. Employees may be required to provide certification and periodic recertification supporting the need for leave. The employee will be required to provide the certification in a timely manner.
- e) **TOP Hours** -- Employees will be required to use accrued TOP hours while taking FMLA leave. Employees will continue to accrue TOP hours during the paid portion of their leave (when using TOP hours). Accrual of TOP hours will cease during the unpaid portion of an employee’s leave. See Part I, Chapter 5, Section D: TOP (Time Off Plan) for additional information.
- f) **Continuation of Health Benefits** -- TRHS will continue the employee’s health benefits (employee portion only) during the leave period. The employee must make arrangements with Payroll to pay for the continuation of coverage paid for by the employee (e.g. dependent coverage). If the employee chooses not to return to work for reasons other than a continued serious health condition, TRHS will recover from the employee the premium that was paid for the employee’s health coverage.
- g) **Intermittent or Reduced Hours Leave** – An employee does not need to use FMLA leave 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 operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.
- h) **Returning from Family Medical Leave** -- Returning employees are entitled to reinstatement to their former position, or to a job with benefits, salary and other employment conditions equivalent to those of the former position. Some exceptions may apply for “Key” employees (an employee among the highest paid 10% of the work force). The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. An employee on leave for his/her own serious health condition, may be required to provide certification from his/her health care provider that the employee is able to return to work and perform all of the functions of the job to which the employee is returning.
- i) **Spouses** -- Spouses who both work for TRHS have a combined 12 weeks total leave in a 12-month period for the birth of a child, placement from an adoption or foster care facility. The full 12 weeks of leave is available to each employee for their own serious health condition or that of a child, spouse or parent.
- j) **Other** -- In case of questions concerning this policy, or in the event of a complaint alleging violations, you may contact the Human Resources Manager, the Executive Director, or the U.S. Department of Labor.