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Owner Elizabeth Kang:
Human Resources Compliance Manager
Area Human Resources
Applicability Memorial Healthcare System

B-20 Family and Medical Leave

PURPOSE

Memorial Healthcare System is committed to compliance with the Family and Medical Leave Act of 1993 (the "FMLA"). The purpose of this policy is to provide employees with a basic understanding of their rights and obligations under the FMLA. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

SCOPE

Employees who have been employed by the Memorial Healthcare System for at least one (1) year, have completed 1,250 hours of employment during the prior twelve (12) months, and have not exhausted their Family and Medical Leave Act leave time within the prior twelve (12) months.

POLICY GUIDELINES

Memorial will grant up to twelve (12) weeks (or up to twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a consecutive twelve (12) month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances of the leave and as specified in this policy.

PROCEDURES

BASIC LEAVE ENTITLEMENTS

An eligible employee is entitled to take up to twelve (12) weeks of job-protected Family Medical Leave for the following reasons:

- Because the Employee is unable to perform the Employee's job due to pregnancy, prenatal medical care, or childbirth;
- To care for the Employee's child after birth, or placement for adoption or foster care;
- To care for the Employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the Employee unable to perform their job.

Military Family Leave Entitlements

An eligible employee whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their twelve (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. The FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of leave to care for a covered service member during a consecutive twelve (12) month period.

BENEFITS DURING FAMILY MEDICAL LEAVE

Health Insurance: During an employee's leave, the Healthcare System will maintain health insurance and other group health benefits under the same conditions as if the Employee was working subject to applicable plan documents and law. If the Employee wants benefits to continue during leave, the Employee must continue to pay the share of the premiums for those benefits at the same contribution rate as if they were an active employee. If any portion of leave is paid, the Employee's share of the benefit premiums will be paid through automatic payroll deductions. For unpaid leave, the Employee will be billed and must make payments for the Employee's share of the premiums on a monthly basis.

Accrual of PTO during Family Medical Leave: Consistent with Memorial's policy for all types of leave, employees will not accrue PTO time, Extended Illness Time Off, or other benefits during an unpaid Family Medical Leave.

Benefits Accrued Before Family Medical Leave: Use of Family Medical Leave will not result in the loss of any benefit that accrued prior to the start of the leave.

Retirement Plans: Family Medical Leave will be treated as continuous employment (i.e., no break in service) for purposes of vesting and eligibility to participate in Memorial's retirement plans.

Performance Review Date: The Employee's performance review date will not be affected by the duration of the Family Medical Leave.

PAY DURING FAMILY MEDICAL LEAVE

Under the FMLA, Family Medical Leave generally is unpaid. However, Memorial employees may receive pay during FMLA leave under certain circumstances, as described below.

Parental Leave Pay: An eligible employee who has approved FMLA leave for parental reasons may

receive up to four (4) weeks' pay. Parental leave pay will be used for the first four (4) weeks of FMLA absence for parental leave reasons.

PTO: An employee must use accrued PTO days concurrently with FMLA leave. PTO will commence following parental leave pay, if applicable.

Extended Illness Time Off: An employee must use accrued Extended Illness Time Off concurrently with FMLA leave for their own serious health condition. Extended Illness Time Off may not be used during FMLA taken for reasons other than an employee's own serious health condition, paternity leave, or leave for birth or placement of a child. Extended Illness Time Off may be used for continuous and intermittent FMLA absences after PTO has been used for the first 24 hours of absence.

Unpaid leave: After the exhaustion of PTO and Extended Illness Time Off, the remainder of the leave will be unpaid. Employees must use all available PTO and Extended Illness Time Off prior to the commencement of unpaid leave.

Example of pay during approved 12-week FMLA leave for the birth of a child:

- First four (4) weeks of leave: Parental Leave Pay (if eligible)
- Next 24 hours of leave: PTO
- Up to six (6) weeks of Extended Illness Time Off may be used for normal delivery or up to eight (8) weeks for c-section.
- Upon exhaustion of Extended Illness Time Off, PTO will be used for any remaining FMLA leave hours.
- If both PTO hours and Extended Illness Time Off hours are exhausted prior to the end of the leave, the remainder of the leave will be unpaid.

DURATION OF LEAVE

Up to twelve (12) weeks of leave may be granted (or up to twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a continuous twelve (12) month period.

Leave may be taken continuously, meaning all at once, 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 Memorial's operations. Employees may also take leave due to "qualifying exigencies" (defined above) or "bonding leave," meaning leave to bond with a newborn child or newly adopted child, on an intermittent basis, if approved by their Department Leader.

An exempt employee who takes intermittent leave will be required to record their hours worked while on intermittent leave and will be required to use PTO, Extended Illness Time Off, if eligible, or unpaid leave for any hours not worked.

REQUESTING LEAVE

The Employee must notify their Manager and Memorial's Leave Administrator prior to commencement of the leave. Memorial's FMLA Leave program is currently administered by FMLASource.

An employee must provide thirty (30) days advance notice when the need for leave is foreseeable.

When thirty (30) days' notice is not possible, the Employee must provide notice as soon as practicable and must comply with Memorial's normal call-in procedures. Delays in requesting leave or reporting qualifying absences to FMLASource may result in denial of FMLA leave.

Employees requesting leave will be required to submit a completed FMLA leave request form to the Leave Administrator (FMLASource) within the required timeframe.

The Leave Administrator (FMLASource) will inform employees of additional obligations, including the need for a medical certification supporting the need for FMLA leave.

Generally, when requesting FMLA leave, employees must be prepared to provide sufficient information for FMLASource to determine if the leave is covered by the FMLA. Sufficient information may include the following: whether the Employee is unable to perform job functions; whether the Employee's family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a healthcare provider; whether the leave is for a reason for which the Employee previously took FMLA; the circumstances supporting the need for military family leave; when the Employee anticipates taking the leave; and/or duration of the leave.

Failure to provide the required certification may result in the leave being denied. Unapproved absences will be addressed pursuant to Policy E-15 Attendance and Punctuality and may result in disciplinary action.

In accordance with federal guidelines, where Memorial has knowledge that leave is taken for an FMLA-qualifying reason (and the Employee has FMLA hours available), the leave will be designated as FMLA leave and may not be designated as any other type of leave (i.e., personal leave or vacation time) at the Employee's request.

An employee who requests FMLA leave under false pretenses may be discharged from employment with Memorial.

INTERMITTENT AND REDUCED SCHEDULE LEAVE

Scheduling Intermittent or Reduced Schedule Leave

Employees requesting intermittent or reduced schedule leave for foreseeable reasons (scheduled appointments, treatment, etc.) must coordinate with their manager and make a reasonable effort to schedule appointments/treatments so as not to unduly disrupt the department's operation.

An employee must provide thirty (30) days advance notice when the need for intermittent leave is foreseeable. If 30 days is not possible, the Employee must notify their manager as soon as they know about the need for the absence (for instance, as soon as an appointment is made).

Intermittent leave for the birth of a child or placement of a child for adoption or foster care may be granted only with approval from the Employee's manager.

Employees on approved intermittent leave must notify the Leave Administrator (FMLASource) within 24 hours of each absence. If employees are not able to provide advanced notice, they must report the

absence to FMLASource no more than 24 hours after the absence occurs. Failure to follow established department call-in procedures and notify FMLASource of the absence within this timeframe required may result in denial of leave.

Exempt Employees with Extended Intermittent or Reduced Schedule Leave

Exempt employees on intermittent or reduced schedule leave that results in multiple partial day absences may be converted to a Non-Exempt status for the duration of their intermittent or reduced schedule leave. Their official Full-Time or Part-Time status will not be modified; however, they will be paid for hours worked and the portion of their shift missed due to FMLA leave will use PTO, Extended Illness Time Off, or unpaid, as applicable. For example, if a Full-Time employee with an eight (8)-hour shift works six (6) hours of that shift and uses two (2) hours of FMLA reduced schedule leave, then they are paid their salary for six (6) hours and the two (2) hours of FMLA is paid using PTO, Extended Illness Time Off, or unpaid, as applicable.

Transfer to Alternate Position During Foreseeable Intermittent/Reduced Schedule Leave

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment or is for the purposes of the birth of a child, or placement of a child for adoption or foster care, Memorial may require the Employee to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the Employee is qualified and which better accommodates recurring periods of leave than does the Employee's regular position.

The position into which the Employee transfers must have the same pay, benefits, shift, and location as the previous position, although the duties may be different.

RETURN FROM LEAVE

Employees are expected to be able to return to work by the end of their FMLA leave. When the Employee is able to return to work, the Employee must notify their Manager and FMLASource. If the leave was for the Employee's own serious health condition, the Employee must submit medical clearance to FMLASource prior to resuming their job responsibilities.

If an employee is returned to work with restrictions that prevent them from performing the essential functions of their job, Memorial will engage in an interactive process to explore reasonable accommodations, which may involve an extension of leave.

If an employee is not released to return to work at the end of their FMLA leave and/or has exhausted all available FMLA leave, employees may be granted a non-job-protected medical leave under Memorial Policy B-16 Leaves of Absence.

Job Restoration: Most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms upon their return from leave, as required by the Family Medical Leave Act.

Residents: Residents may be required to make up training time missed while on approved leave. This may include an extension of training time and/or repeating a year of training. Residents should contact

their Program Director to determine the impact of leave on the completion of their training program.

REFERENCES

Family Medical Leave Act of 1993

MHS HR Policy B-09 Paid Time Off (PTO)

MHS HR Policy B-21 Extended Illness Time Off

MHS HR Policy B-32 Parental Leave Pay

MHS HR Policy E-15 Attendance and Punctuality

POLICY OWNER

Human Resources

If any of the statements contained in this policy conflict with any verbal statements or agreements made by any representatives of MHS, then the statements contained in this policy shall control the outcome of any such conflict.

Memorial reserves the right to modify this policy in whole or in part, at any time, at the discretion of the Health System, or as required by law, regulation, or accrediting/governing body.

Employees who have questions regarding information contained in this policy should contact the Human Resources Department.

ONLINE LOCATION

All policies are subject to amendment. The most recent version of this policy can be accessed online: <https://mhs-system.policystat.com/>.

This Policy / Guideline / SOP is intended to provide Memorial health care professionals with guidelines for addressing the subject matter herein. This Policy / Guideline / SOP is not meant to be a substitute for the standard of care or to restrain professional judgment or opinion.

Approval Signatures

Step Description	Approver	Date
Policy Owner	Elizabeth Kang: Human Resources Compliance Manager	12/2023

Applicability

Memorial Healthcare System

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