Human Resources: Family & Medical Leaves

Family and Medical Leaves are employee leaves of absence for child care, personal medical care and family medical care.

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Eligibility

An employee will be eligible to seek a Family and Medical Leave if (1) the employee has worked for the Institution for at least 12 months, (2) the employee has worked for the Institution for at least 1,250 hours during the 12 months before the leave and (3) at least 50 employees of the Institution work at the same worksite or otherwise work within a 75-mile traveling distance from the employee's worksite. In limited circumstances, some employees who do not meet these eligibility standards may be eligible to take an eight-week leave for the purpose of giving birth or for adopting a child.

Types of Family & Medical Leaves

Employees may qualify for any of three types of Family and Medical Leaves.

- Birth, Adoption and Child Care Leave
  An employee may take a Birth, Adoption and Child Care Leave because of birth, adoption or foster care placement of a child and for care of that child. The leave must be completed within 12 months of the child's birth, adoption or foster care placement.
- Family Member Leave
  An employee may take a Family Member Leave to care for a seriously ill or injured spouse, parent or child. The illness or injury must be a "serious health condition," within the meaning of the Family and Medical Leave Act of 1993 ("FMLA"). Basically, a "serious health condition" means a physical or mental condition that involves inpatient or continuing treatment by a health care provider. If the leave is for care of a child, the child must either be under age 18 or unable to care for himself or herself due to a mental or physical disability.
- Personal Medical Leave
  An employee may take a Personal Medical Leave because of an illness or injury that makes the employee unable to perform his or her job. As with a Family Member Leave, the illness or injury must be a serious health condition.

Notice & Scheduling of Leave

An employee taking a Family and Medical Leave should give written notice to their supervisor who is to notify Human Resources promptly. When the leave is a Birth, Adoption and Child Care Leave, the employee must generally give at least two weeks' notice of the leave. 30 days' notice is preferred.

If an employee plans to take a Family Member Leave or a Personal Medical Leave because of planned medical treatment, the employee must make an effort to schedule the treatment to reduce the disruption to the Institution, subject to the health care provider's approval. An employee should generally consult with his/her supervisor to explore alternatives to reduce the disruption to the Institution. In any event, at least 30 days' written notice of the leave should generally be given to their supervisor who is to notify Human Resources promptly.

In some cases, an employee will not be able to give the full amount of advance notice generally required for a Birth, Adoption and Child Care Leave or for a Family and Medical Leave for planned medical treatment. When an employee cannot give the generally required notice for a legitimate reason, the employee should give as much notice as possible under the circumstances.

When a Family Member Leave or a Personal Medical Leave is needed due to a medical reason other than planned treatment, an employee should give their supervisor verbal or written notice as soon as he or she reasonably can. The supervisor is to notify Human Resources promptly.

An employee's failure to give adequate notice may delay the employee's right to take a Family and Medical Leave.

Confirmation of Leave

After an employee gives notice of intent to take a Family and Medical Leave, the Institution will designate the leave as Family and Medical Leave. That designation will generally be provided by a memorandum confirming receipt of the notice of the leave and setting forth some of the basic employee rights and obligations.

If an employee is ineligible for Family and Medical Leave but requests such leave, the Institution shall provide notice to the employee of the Institution's determination of ineligibility.

Employees requesting a Personal Medical Leave or a Family Medical Leave will generally be required to provide a medical verification if the leave is expected to continue for more than 5 calendar days. When requested, the certification must be provided within 15 calendar days of the request. The Institution may, in some cases and at its expense, require a second and sometimes a third certification.

Employees on a Personal Medical Leave or a Family Member Leave for which medical verification is initially required may also be required to provide medical verifications. The cost of providing any such certifications, if any, will be borne by the employee.

Moreover, employees on leave may be contacted periodically for updates concerning their status and intent to return. Employees are expected to be fully responsive to such requests for updates.

Length of Leave

General

In general, an employee will be entitled to a maximum of 12 weeks of Family and Medical Leave during any 12-month period. The 12-month period is a rolling period measured backward from the date the employee uses any leave under this policy. Each time an employee takes any Family and Medical Leave, the remaining leave entitlement will be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

In addition, there may be circumstances in which further leave rights are available under the provisions of state law. Otherwise, requests for any additional leave for any Family and Medical Leave will be subject to the Institution's approval.

Nature of the Leave

Unless otherwise approved, a Birth, Adoption and Child Care Leave must be taken at one time. A Family Member Leave or a Personal Medical Leave may be taken through either a reduced working schedule or intermittently if such an arrangement is certified to be medically necessary (or if the Institution approves such an arrangement in its discretion). If an employee is entitled to a Family Member Leave or a Personal Medical Leave on a reduced work schedule or intermittent basis, the Institution may transfer the employee temporarily to a position for which s/he is qualified if the alternative position would better accommodate the recurring leaves than the employee's regular position.

Special Rule Applicable to Spouses who are Both Employed by the Institution

If the Institution employs both spouses, the total Birth, Adoption and Child Care Leave to which they will be entitled together will be 12 weeks in any 12-month period.

Restoration Rights

General

At the end of a Family and Medical Leave, an employee will have the right to return to his or her last position before the leave or to an equivalent position with benefits, pay and other terms and conditions of employment. The employee will not lose any benefit rights, such as vacation, to the extent that those benefit rights accrued before the leave period.

Notice of Change of Length of Leave

If an employee becomes aware of changed circumstances that will foreseeably increase or decrease his or her need for Family and Medical Leave, the employee must give the Institution notice of the anticipated change of the length of the leave within two business days of learning of the anticipated change of the length of the leave.

Adverse Actions During the Leave

An employee will not be entitled to more favorable employment terms as a result of taking a Family and Medical Leave than he or she would have had if no leave had been taken. Thus, an employee who takes a Family and Medical Leave will be subject to any pay or benefit reductions or other adverse actions, including layoff, that the employee would have experienced if he or she had not been on a Family and Medical Leave.

Extension of Leave

In the event that a Family and Medical Leave is extended beyond a level totaling 12 weeks of leave over 12 months, the Institution will consider the possibility of restoration but generally will not guarantee restoration. The determinations regarding whether to grant an extension and to grant restoration after an extension will be made in the Institution's discretion after considering factors such as the purpose of the leave extension, the employee's length of service, the employee's attendance record, the employee's position, and the Institution's assessment of its needs. Nevertheless, in some limited circumstances, employees may be entitled to further leave based on state law.

Certification Before Return

Before an employee may return from a Personal Medical Leave that has continued for at least 5 calendar days, the employee's health care provider must certify that the employee is able to resume his or her job. The employee will be required to bear the costs of such a certification.

Pay and Benefits

- Pay
  Family and Medical Leaves are not paid leaves. However, an employee may substitute a paid leave for which the employee is eligible for otherwise unpaid FMLA leave. Such a substitution will be counted against the employee's use of FMLA leave. For example, if an employee takes a Personal Medical Leave, he or she may be entitled to paid occasional illness leave and, if still unable to work, may thereafter be entitled to disability benefits. Employees who seek paid leave will need to meet the notice and qualification requirements under the paid leave policies.

  If no other paid leave is available but an employee is eligible for accrued paid leave, such as vacation pay, the employee may use that accrued leave during a Family and Medical Leave until it is exhausted.
- Maintenance of Health Benefits
  During a Family and Medical Leave, the Institution will continue the employee's medical and dental insurance coverage, provided

that the employee pays for the regular employee share of such coverage on a timely basis as if he or she had remained actively employed. During any paid leave, the employee share of the premiums will be deducted from the employee's pay. During the unpaid portion of a Family Medical Leave, the employee will be required to pay the employee share by delivering the payment so that it is received by the Institution no later than the last day of each month. If the payment is more than 30 days late, benefits will cease until the employee returns to work.

If the employee fails to return from the leave, the Institution may be entitled to recover from the employee the portions of medical and dental insurance premiums that were paid for by the Institution with respect to the unpaid portion of the leave. The Institution will be entitled to recover these amounts unless the employee's failure to return was due to a serious health condition (within the meaning of the FMLA) or if there are other circumstances beyond the employee's control. If the employee states that he or she is unable to return from the leave because of a serious health condition, the Institution may require the employee to provide a medical certification.

- Other Benefits
  Non health benefits, such as life insurance, may be continued during the leave, if permissible under applicable plans and insurance policies, subject to the same cost sharing applicable to active employees.

Medical Records
Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel, or government officials.

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