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FAMILY AND MEDICAL LEAVE	
<b>PURPOSE</b>	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.
<b>SCOPE</b>	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.
<b>POLICY GUIDELINES</b>	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 leave, depending on the circumstances of the leave and as specified in this policy.
<b>PROCEDURES</b>	<p><b>BASIC LEAVE ENTITLEMENTS</b></p> <p>An eligible employee is entitled to take up to twelve (12) weeks of job-protected Family Medical Leave for the following reasons:</p> <ul style="list-style-type: none"> <li>• Because the employee is unable to perform the employee’s job due to pregnancy, prenatal medical care or child birth;</li> <li>• To care for the employee's child after birth, or placement for adoption or foster care;</li> <li>• To care for the employee's spouse, son, daughter or parent, who has a serious health condition; or</li> <li>• For a serious health condition that makes the employee unable to perform the employee's job.</li> </ul> <p><b>Military Family Leave Entitlements</b></p> <p>An eligible employee whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use his/her 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.</p> <p><b>Employed Spouses</b></p> <p>If both spouses are employed by Memorial and eligible for FMLA leave, the amount of leave taken for birth, adoption, placement of a child, or care for a parent may not exceed twelve (12) weeks combined between the two spouses.</p>



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**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 were working subject to applicable plan documents and law. If the employee wants benefits to continue during leave, he/she must continue to pay the share of the premiums for those benefits at the same contribution rate as if he/she 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 his or her share of the premiums on a monthly basis.

**Accrual of Paid Leave during Family Medical Leave:** Consistent with Memorial’s policy for all types of leave, employees will not accrue paid leave time, disability leave, 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, described below.

**Parental Leave Pay:** An eligible employee who has approved FMLA leave for parental reasons may receive up to one week’s pay. Parental leave pay will be used for the first week of FMLA absence for parental leave reasons.

**Paid Leave:** An employee must use accrued paid leave days concurrently with FMLA leave.

**Disability Leave:** An employee must use accrued disability leave concurrently with FMLA leave for his/her own serious health condition. Disability pay 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. Disability pay may be used for continuous and intermittent FMLA absences after Paid Leave has been used for the first 24 hours of absence.

**Unpaid Leave:** After the exhaustion of Paid Leave and Disability Leave, the remainder of the leave will be unpaid. Employees must use all available Paid Leave and Disability Leave prior to the commencement of unpaid leave.

**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.



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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 his/her hours worked while on intermittent leave and will be required to use paid leave, disability leave, if eligible, or unpaid leave for any hours not worked.

**REQUESTING LEAVE**

The employee must notify his/her 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 health care provider; whether the leave is for a reason for which the employee previously took FMLA; the circumstances supporting the need for military family leave; the 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.

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 appointment, treatment, etc.) must coordinate with their manager and make a



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	<p>reasonable effort to schedule appointments/treatments so as not to unduly disrupt the department’s operation.</p> <p>An employee must provide thirty (30) days advance notice when the need for intermittent leave is foreseeable. If thirty days is not possible, the employee must notify the manager as soon as they know about the need for the absence (for instance, as soon as an appointment is made).</p> <p>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 <u>and</u> notify FMLASource of the absence within this timeframe required may result in denial of leave.</p> <p><u>Exempt Employees with Extended Intermittent or Reduced Schedule Leave</u></p> <p>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 paid leave, disability leave, or unpaid, as applicable. For example, if a full-time employee with an eight hour shift works six hours of that shift and uses two hours of FMLA reduced schedule leave, then they are paid their salary for six hours and the two hours of FMLA is paid using paid leave, disability, or unpaid, as applicable.</p> <p><u>Transfer to Alternate Position During Foreseeable Intermittent/Reduced Schedule Leave</u></p> <p>If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, 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.</p> <p>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.</p> <p><b>RETURN FROM LEAVE</b></p> <p>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, s/he must notify his/her Manager and FMLASource. If the leave was for the employee’s own serious health condition, s/he must submit medical clearance to FMLASource prior to resuming his/her job responsibilities.</p> <p>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.</p> <p>If an employee is not released to return to work at the end of his or her 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.</p>
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**HUMAN RESOURCES POLICY**



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	<p><b>Job Restoration:</b> 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.</p> <p><b>Residents:</b> Residents may be required to make up training time missed while on approved leave. This may include 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.</p>
<p><b>DEFINITIONS</b></p>	<p><b>Eligible Employee</b> - 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.</p> <p><b>FMLA Leave Year</b> - For the purposes of this policy, Memorial will use a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Available leave is determined by subtracting the number of weeks of FMLA leave taken during this 12-month "look back" period from the 12-week total allowed.</p> <p><b>Parent</b> – Biological parent or individual considered as a parent by the employee. Does not include parent-in-law.</p> <p><b>Qualifying Exigencies</b> - 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.</p> <p><b>Serious Health Condition</b> - 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 (inability to work) 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. Under this policy, live organ donation is considered a serious health condition.</p> <p><b>Spouse</b> – Legal spouse as recognized by the State of Florida.</p>
<p><b>REFERENCES</b></p>	<p>Family Medical Leave Act of 1993</p> <p>MHS HR Policy B-09 Paid Leave</p> <p>MHS HR Policy B-21 Disability Leave Benefits</p> <p>MHS HR Policy B-32 Parental Leave Pay</p> <p>MHS HR Policy E-15 Attendance and Punctuality</p>
<p><b>ORIGINAL ISSUE DATE</b></p>	<p>September 2005</p>

## HUMAN RESOURCES POLICY



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<b>REVIEW/REVISION DATES</b>	<p>Reviewed: June 2008, August 2010, September 2013, September 2015, March 2016, December 2019</p> <p>Revised: October 2016, June 2017, September 2018, January 2022</p> <p>This policy replaces and supersedes Policy B-23 "Leave to Care for Newborn Child or Adopted Child"</p>
<b>POLICY OWNER</b>	<p>Human Resources</p> <p>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.</p> <p>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.</p> <p>Employees who have questions regarding information contained in this policy should contact the Human Resources Department.</p>
<b>ONLINE LOCATION</b>	<p>All policies are subject to amendment. The most recent version of this policy can be accessed online: <a href="http://docs/Documents/Policies_and_Procedures/Systemwide/HumanResources">http://docs/Documents/Policies_and_Procedures/Systemwide/HumanResources</a></p>