

Paid Employee and Family Medical Leave (U) – Effective 7/1/2018

The diocese provides paid employee and family medical leave to eligible employees as an enhancement to, and in compliance with the Family and Medical Leave Act (FMLA). In general, the diocesan paid employee and family medical leave policy closely follows FMLA guidelines and regulations. Employees must follow the specified guidelines and procedure to receive payment under this policy. If an employee does not follow the guidelines and procedure required to receive payment, they may still qualify for unpaid FMLA leave. Paid employee and family medical leave, if approved, also counts as FMLA leave, up to the 12-week maximum per 12 month rolling period. Each leave case is unique and should be discussed with Human Resources to determine length and course of action.

Employees already on approved FMLA leave at the time this policy goes into effect will be transitioned to paid employee and family medical leave for the remainder of their applicable leave period.

Paid employee and family medical leave entitlements will be measured on a rolling twelve-month basis.

Eligibility for Paid Leave

Employees are eligible for covered, paid, job-protected leave if they have worked for the diocese for at least 12 months and have worked 1,250 hours over the 12 months prior to the start of leave.

Note: Qualified spouses working for the diocese may take a combined total of 12 paid weeks for the birth, adoption, or placement of a child into foster child, or to care for a parent with a serious medical condition; or a combined total of 26 weeks to take leave to care for a covered service member.

Basic Leave Entitlement

Eligible employees may take up to 12 weeks of paid, job-protected 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, or
- 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 the employee's job.

Definitions

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 three 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.

"Spouse" means a husband or wife. "Child" means biological, adopted, or foster child, a stepchild, legal ward, or a child being raised by the employee. The child must be either under 18 years of age, or 18 and older and incapable of self-care because of a mental or physical disability for Basic Leave Entitlement; for Military Leave Entitlement, the child may be of any age. "Parent" means biological parent, or a non-biological parent who had primary responsibility for raising the employee. This term does not include "parents-in-law." Next of kin of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, unless the covered service member has designated a specific blood relative in writing for purposes of military caregiver leave under FMLA.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent who is a service member on covered active duty may use their 12-week entitlement to address certain qualifying exigencies. Covered active duty means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed forces in a foreign country; and 2) for service members of a reserve component of the Armed Forces or the National Guard in support of a contingency operation. 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.

Paid Leave Period and Calculation of Pay

Eligible employees may take up to 12 weeks of paid employee and family medical leave during a "rolling leave year," defined as the 12-month period measured from the date an employee uses any leave under this policy. Leave must be certified by an appropriate, licensed health care provider.

Pay during leave period is calculated based on the average pay earned during the six months prior to the beginning of leave.

Employees are entitled to up to 26 weeks of leave in a 12-month period measured forward for Military Caregiver Leave Entitlement. Up to 12 weeks of this may be paid leave. Additional leave may be taken up to 26 weeks, but will be unpaid, in keeping with FMLA regulations.

Employee Responsibilities

- Employees must provide 30 days advance notice of the need to take paid employee and family medical leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the diocese's normal sick and absence call-in procedures.
- Employees must provide sufficient information for the diocese to determine if the leave may qualify for paid employee and family medical leave and FMLA protection, and to determine the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
- Employees must also inform the diocese if the requested leave is for a reason for which FMLA (paid or unpaid) leave was previously taken or certified within the past 12 months.

Notification of Eligibility

The diocese will inform an employee requesting paid employee and family medical leave whether the employee is eligible under the guidelines of the FMLA. If the employee is eligible, the notice to the employee will specify additional employee rights and responsibilities. In addition, the diocese will inform the employee if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employee is not eligible, the diocese will notify the employee that the leave is not FMLA-protected, and therefore not paid employee and family medical leave, and provide a reason for the ineligibility.

Medical Certification

For leave for medical reasons, medical certification by the health care provider must be obtained and submitted within 15 calendar days of an FMLA request. Leave may be denied if the certification is not timely submitted, is incomplete, or insufficient. If the certification is timely received but is incomplete, an employee will be advised of information needed and given seven days to provide the required information to enable the diocese to make a decision. Leave may be denied if an employee does not provide this information. The diocese may request a second medical opinion and designate the health care provider if the certification is questionable. If the first and second medical opinions differ, the diocese may require a third opinion which will be final. Any required second and third certification expenses will be paid by the diocese.

Medical recertification may be requested every 30 days unless the original certification was for a longer period, or circumstances have changed significantly. In all cases, the diocese may request a recertification of a medical condition every six months in connection with an absence by the employee. Recertification may be requested under

other circumstances as specified, in keeping with FMLA regulations.

Upon return, the employee must submit to Human Resources medical certification of their ability to return to work. The diocese may deny work to employee failing to provide valid fitness for duty certificates. Employees taking paid employee and family medical leave must contact Human Resources monthly to report their intention to return to work.

Certification of Need for Military Leave

The diocese will require certification of the need for Military Exigency Leave and Military Caregiver Leave. Employees requesting such leave must provide certification within 15 days, except under unusual circumstances. Failure to do so may result in delay or denial of paid employee and family medical leave.

Intermittent Leave

Leave may also 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.

Employees requiring intermittent or reduced leave for foreseeable medical treatment for their own or a family member's serious health condition may be temporarily reassigned during the leave period to a position with the same pay and benefits that better accommodates a reduced or intermittent schedule.

Employees may not take intermittent leave for the birth, adoption, or placement for foster care of a child.

Benefits

During paid employee and family medical leave, in keeping with FMLA regulations, the diocese will maintain health coverage under its group health plan on the same terms as if the employee continued to work. Upon return from leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The employee will not accrue additional leave such as vacation or sick while on paid employee and family medical leave, but those days accrued by the employee up to the beginning of leave will not be lost.

Status After Leave

Employees who return to work before or on the business day following the expiration of the approved leave period will be returned to their job or an equivalent position with the same benefits and pay. However, employees on leave will have no greater right to reinstatement than if they had been actively employed. If the need for leave was due to the employee's own serious health condition, the diocese will require that the employee provide medical certification that they are able to return to work.

Other Provisions

Employees may not engage in gainful employment during any approved leave. Violation of this provision will result in dismissal. In addition, any intentional misrepresentation to obtain or continue a leave of absence constitutes grounds for immediate dismissal.

Miscellaneous Paid Employee and Family Medical Leave Information

The following statement also applies to the diocese paid employee and family medical leave policy, in keeping with the FMLA: it is unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA and discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.