

Family and Medical Leave Benefit

LEAVES OF ABSENCE

The diocese recognizes there will be times when you may need to be away from work for extended periods of time. In these situations, requesting a Leave of Absence may be appropriate. The types of Leave that may be taken without pay are Personal Leave, Family and Medical Leave, and Military Leave. These types of leave are discussed below. If you have questions about leaves of absence, please contact the Diocesan Human Resources Department.

Family And Medical Leave

Leave under the Family and Medical Leave Act ("FMLA leave") will be provided to employees who are employed at locations covered by the Family and Medical Leave Act and who meet the eligibility requirements for FMLA leave.

Eligibility

An employee is eligible under The Federal Family and Medical Leave Act (FMLA) if:

1. The employee has been employed by the Diocese for at least 12 months. *The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted (i.e. previous employment with a Diocese of St. Augustine parish, school, or diocesan entity), provided that the break in service does not exceed seven years. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.*
2. The employee has worked a minimum of 1,250 hours (working hours) during the 12 month period before the leave is requested; and
3. The employee is employed at a worksite which employs 50 or more employees, or the total number of employees within 75 miles of the worksite is 50 or more, at the time the request is made.

At FMLA locations, eligible employees will receive up to 12 weeks leave without pay during any 12 month period for any of the following reasons:

- (1) Incapacity due to pregnancy, pre-natal medical care or child birth;
- (2) To care for the employee's child after birth, or placement for adoption or foster care;
- (3) A serious health condition that makes the employee unable to perform the employee's job;
- (4) To care for the employee's spouse, son or daughter, or parent who has a serious health condition.
- (5) To address certain "qualifying exigencies" arising from a spouse, son, daughter or parent being on active duty or being called to covered active duty in the Armed Forces, National Guard or Reserves. These 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.

When leave is taken for the above reasons, the diocese will determine the amount of leave available by using a rolling 12 month period measured backward from the date an employee

uses any such leave. In addition, the diocese will provide up to 26 weeks of leave without pay in any single 12-month period to permit eligible employees to care for a “covered service member.” In determining availability of leave for this purpose, the single 12-month period will begin the first day the eligible employee takes FMLA leave to care for a covered service member.

The diocese reserves all rights available to employers under the FMLA, even if not specifically referenced in the Employee Handbook. Employees at non-FMLA locations and employees who otherwise do not qualify for FMLA leave may request leave under provisions governing personal leave.

Serious Health Condition

A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- a. Hospital Care. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
- b. Absence Plus Treatment. A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider.
- c. Pregnancy. Any period of incapacity due to pregnancy or for prenatal care.
- d. Chronic Conditions Requiring Treatment. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.);
- e. Permanent Long-Term Conditions Requiring Supervision. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer’s, stroke, terminal diseases, etc.).
- f. Multiple Treatments (Non-Chronic Conditions). Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g. chemotherapy, physical therapy, dialysis, etc.).

Note: Incapacity is defined as the inability to work, attend school or perform other regular daily activities due to serious health condition, treatment, or recovery there from.

Leave Restrictions

Leaves Taken For the Birth or Placement

A leave taken by an employee for the birth or placement of a son or daughter must be taken in one continuous segment, up to twelve weeks and must be taken within twelve months of the birth or placement of the son or daughter. **An employee is required to give thirty (30) days written notice of his/her intent to take leave, unless such leave is unforeseeable.** In such a case, the employee must give notice as soon as practicable (2 business days). Where the Diocese employs both parents, a total of twelve weeks of leave (rather than twelve weeks each) is available for the birth, adoption or for care of a sick parent, son or daughter with a serious health condition.

Leaves Taken for Employee’s Own Serious Health Condition or Family Member

Leave taken to attend to the serious health condition of the employee or the employee’s family member may be taken in one continuous segment, up to twelve weeks, or may be taken on an **intermittent or reduced schedule leave** if medically necessary. **The employee must make a reasonable effort to schedule his/her leave so as not to unduly interrupt business**

operations and must give thirty (30) days written notice of his/her intent to take leave, if practicable.

Leave due to a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday) if medically necessary and certified by a health care practitioner. If the leave is unpaid, the Diocese may adjust the employee's salary based on the amount of time actually worked.

If an employee chooses to take intermittent leave or reduced schedule leave, the Diocese may require the employee to transfer temporarily to another position in the Diocese for which he/she is qualified, and which would provide equivalent pay and benefits and a better accommodation for the employee's recurring periods of leave.

Intermittent or reduced leave will be allowed only for serious health conditions of the employee or the employee's spouse, son, daughter, or parent, when necessary and properly validated or certified. An employee is not entitled to take an intermittent leave or a leave on a reduced schedule for the birth or placement of a child, unless agreed to by the Diocese.

Benefit Coordination

Once the Diocese designates the employee's Family and Medical leave for the birth or placement of a son or daughter, or to care for someone with a serious health condition, any accrued sick days, vacation days, and personal days will be applied to the leave period until such leave is exhausted. The remainder of the leave will be unpaid. FMLA leave and the above paid leave runs concurrently. Employees cannot waive their rights to FMLA leave. The Diocese is required to properly designate FMLA leave and apply these rights under the law.

Once the Diocese designates the employee's Family and Medical leave for his/her own serious health condition, any accrued paid sick days, vacation days, and personal days, will be applied to the leave period until such leave is exhausted. The remainder of the leave period will be unpaid. FMLA leave and the above paid leave runs concurrently. Employees cannot waive their rights to FMLA leave. The Diocese is required to properly designate FMLA leave and apply these rights under the law.

The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Also, family/medical leave may run concurrently with other types of leave.

An employee on leave does not lose any benefit which has accrued prior to the first day of leave and the leave period will be treated as continued service for purposes of determining vesting and eligibility to participate in diocesan retirement plans (e.g. if eligible: 403(b), defined benefit) However, as with other types of unpaid leave, an employee does not accrue any additional benefits, including vacation, holiday pay, and sick leave during the leave period, nor does the leave period entitle the employee to any greater rights that he/she would have had if he/she had remained in the workplace.

Those employees that are covered under the diocesan sponsored health care plan will remain covered while on FMLA leave. However, an employee is required to continue payment of any required contribution for insured benefits. If the employee does not return to work after the leave period, the Diocese may require the employee to repay the health care premiums paid by the Diocese during the leave period, unless the employee does not return due to a serious

health condition as defined in this policy or due to other circumstances beyond the employee's control.

When paid leave is substituted for unpaid family/medical leave, the Diocese will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay their portion of the premium by making arrangements with the Diocesan Benefits Administrator.

Procedure for Requesting Leave and/or Extension

To request Personal Leave or FMLA leave, you must provide a written request for leave to the Human Resource Department, using the ***Absence Request Form*** that may be obtained from the Human Resources Department.

This written request, together with any required supporting documentation, must be submitted at least 30 days before the date on which your requested leave is to begin, unless the need for a leave is not sufficiently foreseeable to give such notice. In that case, you must submit the written request and supporting documentation as soon as practical. If the leave is foreseeable, the employee shall make a reasonable effort to schedule any planned leave so as not to unduly disrupt the diocese's operations. The Diocesan Human Resources Department must approve a leave of absence or any extension of a leave.

Required Medical Certification

An employee who requests leave to care for his/her own serious health condition, or the serious health condition of a family member must provide a medical certification which justifies the leave. This medical certification must be provided by the employee within fifteen (15) days of the diocese's request for the medical certification. Failure to provide the required and completed medical certification on time may lead to denial of the leave as requested or denial of continuation of leave. Recertification of leave may be required as frequently as every thirty (30) days.

If the diocese grants you a leave of absence, your leave will begin on the first work day you miss as a result of the emergency or other situations requiring the leave. Should you request an extension of your leave of absence, you must furnish the HR Department with a written request for an extension before the expiration of the original leave of absence or most recent extension. The diocese may request documentation, including certification by a medical doctor (or other appropriate health care provider), of any circumstances requiring a leave or extension.

The diocese may require an employee on leave to check in periodically with the Catholic Center FMLA Administrator to inform them of his/her status and intent to return to work. A check-in schedule should be arranged between the employee and the Administrator before leave is taken. In addition, the employee must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown. In addition, employees on leave are required to provide the Catholic Center FMLA Administrator with a completed return to work status report every 30 days, or more frequently if the Human Resources department determines the facts and circumstances require.

Employees must complete the appropriate family/medical leave forms. These forms are available from your Human Resource Department.

The diocese, at its expense, may require an examination by a second health care provider designated by the diocese, if the diocese has reason to doubt the medical certification initially

provided. If the second health care provider's opinion conflicts with the original medical certification, the diocese, at its expense, may require a third mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The diocese may require subsequent medical recertification.

Return from Leave/Fitness-for-Duty Certification

Employees returning from FMLA or non-FMLA personal leave taken as a result of their own serious health condition will be required to provide a fitness-for-duty certification prior to returning to work, if the employee's leave extends beyond three (3) consecutive work days. The fitness-for-duty certification will need to address the employee's ability to perform the essential functions of the employee's job. Employees failing to submit the fitness-for-duty certification will not be permitted to resume work until it is provided and may delay or forfeit the employee's entitlement to reinstatement under the FMLA. A fitness-for-duty certification may also be required in other situations when related to the employee's job and consistent with business necessity.

Termination of Leave

An employee on FMLA or non-FMLA personal leave will be considered as having resigned the employee's position if the employee fails to return to work on the first day after the employee's leave of absence or authorized extension expires.

An employee on FMLA or non-FMLA personal leave may be terminated if the employee:

- 1) Applies for, accepts or engages in outside employment, including self-employment; or
- 2) Gives a false reason for any requested leave of absence.

NOTE: *Employees must comply with all requests for documentation within the time frame specified by Human Resources. This includes but is not limited to any requests for paperwork to be completed to substantiate any possible FMLA claim.*