### Family Medical Leave Act (FMLA)

 **Policy**

In accordance with the Family Medical Leave Act that went into effect on August 5, 1993, **COMPANY NAME** provides eligible employees up to twelve weeks of leave for family and medical reasons.

*Guidelines*:

1. **Eligibility**. Employees are eligible to take up to 12 weeks of unpaid family/medical leave within a 12 month period [must describe how 12 months is calculated here- *we recommend “rolling back method”*] and be restored to the same or an equivalent position upon their return from leave provided they: a) have worked for **COMPANY NAME** for at least 12 months, b) for at least 1250 hours in the last 12 months; and c) are employed at a worksite that has 50 or more employees within a 75 mile radius.

2. **Reasons for Leave**. Eligible employees may take family/medical leave for any of the following reasons: a) the birth of a son or daughter and in order to care for and/or bond with such son or daughter; b) the placement of a son or daughter with the employee for adoption or foster care; c) to care for a spouse, son, daughter, or parent with a serious health condition; d) to care for the employee’s own serious health condition which renders the employee unable to perform the essential functions of the position, e) in accordance with the National Defense Authorization Act:

1. Eligible employees may take up to 12 weeks family medical leave for a qualifying exigency related to a covered service member on active duty or who has been notified of an impending call or order to active duty. Covered family members include spouse, parent, and child.
2. Or an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of **26 workweeks** for military related medical treatment to care for the service member. Under the caregiver leave the twelve-month period will be calculated rolling forward from the first day of leave.

Leave because of reasons "a" or "b" must be completed within the 12-month period beginning on the date of birth or placement.

3. **Notice of Leave**. If the need for family/medical leave is foreseeable, the employee must give the Company at least 30 days prior written notice. If this is not possible, the employee must at least give notice as soon as is practical (within 1 to 2 business days of learning of their need for leave). Failure to provide such notice may be grounds for delay of leave. Where the need for leave is not foreseeable, the employee must comply with the same notice and procedural requirements that apply to other similar absences as set forth herein in Section 5.1, except in extraordinary circumstances. The Company has Family Medical Leave forms available from the Human Resource Department. These forms must be used when employees request leave.

4. **Medical Certification**. If employees are requesting leave because of their own or a covered family member’s serious health condition, the employee and the relevant health care provider must supply appropriate medical certification. The Company has the right to request second or third medical opinions, at its expense. Medical Certification Forms are available from the Human Resource Department. When an employee requests leave, the Company will notify them of the requirement for medical certification and when it is due (at least 15 calendar days after the employee requests leave). If an employee provides at least 30 days’ notice of medical leave, the employee should provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The Company may require subsequent medical recertification on a reasonable basis.

5. **Reporting While on Leave**. While an employee is out on leave, they must keep the company up to date with the status of their leave, and their intent to return to work. Depending on the nature and length of the absences, the employee may be required to check in at varying intervals of either every couple of weeks, or monthly.

6. **Leave is Unpaid**. Family/medical leave is unpaid leave [although the employee must use PTO/vacation/sick time or may be eligible for short or long-term disability payments and/or workers’ compensation benefits under those insurance plans. These plans are described elsewhere in the Handbook]. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.

7. **Medical and Other Benefits**. During an approved family/medical leave, the Company will maintain the employee's health benefits, as if they had continued to be actively employed. If paid leave is substituted for unpaid family/medical leave, the Company will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's leave is unpaid, the employee must pay their portion of the premium through personal check. The employee's health care coverage will cease if the premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, he/she will be required to reimburse the Company for the costs of premiums paid by the Company for maintaining coverage during his/her leave, unless the employee cannot return to work because of a serious health condition or circumstances beyond their control.

8. **Intermittent and Reduced Schedule Leave**. Leave because of 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 the employee works in each work week or workday) if medically necessary. In addition, while the employee is on an intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Company may temporarily transfer the employee to an available alternative position which better accommodates the employee's recurring leave, and which has equivalent pay and benefits.

9. **Returning from Leave.** Upon return from family/medical leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and employment terms, unless business conditions have so changed to make this impossible. In accordance with the FMLA, the Company may deny restoration to certain key employees, but only if necessary to avoid substantial and grievous economic injury to the Company’s operations. If an employee takes leave because of their own serious health condition, they are required to provide medical certification that they are fit to resume work. Return to Work Medical Certification Forms are available in the Human Resource Department. Employees will not be permitted to resume work until the Return to Work Medical Certification Form is provided.