



POLICY

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Policy Name: Family Medical Leave Act	Date Adopted: April 1, 2021
Dept. Owner: Human Resources	Current Version: April 1, 2021
Federal Reg. Reference:	State Reg. Reference:
Policy Number: HR 21.16	

Policy: PACE North complies with The Family Medical Leave Act (FMLA) which entitles eligible employees to take up to 12 work weeks (or 26 work weeks for Military Caregiver Leave) of unpaid, job-protected leave in a 12-month period for specified family and medical reasons.

Purpose: To ensure family and medical leave benefits are available for employees who meet eligibility requirement and provide proper documentation and accountability under the Family Medical Leave Act.

Procedure:

Employee Eligibility

To be eligible for FMLA benefits, an employee must:

1. Have worked for PACE North for a total of at least 12 months; **AND**
2. Have worked at least 1,250 hours over the previous 12 months.

Leave Entitlement

Employees who meet the eligibility criteria may take up to a total of 12 work weeks of FMLA leave (or 26 work weeks for Military Caregiver Leave) during any 12-month period for one or more of the following reasons:

1. for the birth and care of a newborn child of the employee if the leave is requested and concluded within twelve (12) months of the birth of the child;
2. for placement with the employee of a son or daughter for adoption or foster care if the leave is requested and concluded within twelve (12) months after placement;
3. to care for a spouse, son, daughter, or parent with a serious health condition;
4. to take medical leave when the employee is unable to work because of his/her own serious health condition;
5. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty as a member of the Armed Forces, including National Guard and Reserves ("Military Exigency Leave");



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6. to care for a covered service member who is the employee's spouse, son, daughter, parent, or next of kin ("Military Caregiver Leave").

In the case of FMLA leave for reasons 3, 4, 5, and 6 above, the leave may be taken intermittently or on a reduced hours' basis, if such leave is medically necessary. As with any request for FMLA leave, appropriate certification of the necessity of leave as well as the necessity for intermittent or reduced hours leave is required. If FMLA leave is requested for birth and care of a newborn, or placement for adoption or foster care, use of intermittent or reduced schedule leave is subject to PACE's approval.

If both spouses work for PACE, they are limited to a combined total of 12 work weeks for FMLA leave reasons 1, 2, and 3 (with respect to caring for a parent) above. They are limited to a combined total of 26 work weeks for FMLA leave reason 6 above if each spouse is a parent, spouse, son, or daughter, or next of kin of the covered service member. For all other FMLA leave reasons, spouses working at PACE each are entitled to FMLA leave without regard to the amount of FMLA leave their spouses use.

Military Exigency Leave

To be eligible for Military Exigency Leave to address certain qualifying exigencies, you must meet the requirements of the FMLA and have a spouse, son, daughter or parent on covered active duty in the Armed Forces or who has been notified of an impending call to covered active duty. "Covered active duty" means duty during deployment with the Armed Forces to a foreign country whether as a regular component of the Armed Forces, or through the National Guard or Reserves. A deployment to a "foreign country" means areas outside of the United States, the District of Columbia, or any Territory or possessions of the United States, and includes deployments to international waters.

Qualifying exigencies may include attending certain military events and related activities, arranging for alternative child care and related activities, caring for the military member's parent who is incapable of self-care, addressing certain financial and legal arrangements, attending certain counseling sessions, taking time to spend with military member on rest and recuperation leave during deployment, and attending post-deployment reintegration briefings.

Military Exigency Leave is subject to the same 12-work week limit as other types of FMLA leave.



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Military Caregiver Leave

To be eligible for Military Caregiver Leave, you must meet the requirements of the FMLA and need leave to care for a spouse, son, daughter, or next of kin who is a covered service member. Next of kin is the nearest blood relative to the employee, other than the current service member's spouse, parent, son, or daughter (in a particular order designated by statute).

A covered service member is (a) a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty (or existed before the beginning of the service member's active duty and was aggravated in the line of duty) that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list; or (b) a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including National Guard or the Reserves), was discharged or released under conditions other than dishonorable, and was discharged within the five-year period before the eligible employee takes FMLA military caregiver leave to care for him or her.

Military Caregiver Leave may last up to 26 work weeks, but the combined total of all types of FMLA leave may not exceed 26 work weeks in a single 12-month period.

Leave Measurement

PACE North measures FMLA leave on a 12-month backward rolling basis. The period is measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, PACE North will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 work weeks of available leave (or 26 work weeks for Military Caregiver Leave), with the balance remaining being the amount the employee is entitled to take at that time.

Notice

Requests for FMLA leave must be submitted to PACE North Human Resources in writing at least thirty (30) days before the leave is to commence for foreseeable events. When circumstances require the leave to begin in less than thirty (30) days, the employee must give as much notice as is practicable.



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Further, absent unusual circumstances, employees must comply with the PACE North's call-in procedures and standards for giving notice of absences from work. Failing to provide proper notice may result in delay and/or denial of FMLA leave and potentially be considered an unexcused absence.

Certification Requirements

Employees requesting leave will be required to provide PACE North with an appropriate certification of the need for leave and complete an application for family and medical leave.

An employee's leave may be delayed if this certification is not received with fifteen (15) days of employee's receipt of the certification form. Failing to furnish the required certification may result in the delay and/or denial of FMLA leave, and related absences could potentially be considered unexcused absences.

As permitted by law, PACE North requires employees on FMLA leave to report periodically on their status and intent to return to work.

Finally, employees returning from FMLA leave due to their own serious health conditions will be required to present a fitness-for-duty certification prior to being restored to employment. If such certification is not received, your return to work may be delayed until certification is provided.

Compensation During Leave

FMLA leave is unpaid. An employee requesting FMLA leave is required to apply any available paid time off (PTO) toward such leave, as permitted under the FMLA. Such paid leave will run concurrently with the leave granted under the FMLA. Once an employee's available paid time off is exhausted, the balance of the leave will be without pay.

Please note that FMLA leave runs concurrently with workers' compensation and short-term disability when an employee is out of work for a "serious health condition" regardless of whether it was an injury or illness that arose out of and in the course of employment. Further, when workers' compensation is running concurrently with FMLA leave, as with all other FMLA leave, employees are required to exhaust any available paid time off.



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Benefits During Leave

During FMLA leave, PACE North will maintain any group health insurance coverage that was provided before the FMLA leave on the same terms as if the employee had continued to work. Therefore, if the employee was having medical health premiums deducted from his/her paycheck prior to FMLA leave, he/she will be responsible for submitting those premiums while out on leave as if those deductions were continually taken from his/her paycheck. In some instances, PACE North may recover premiums it paid to maintain health coverage if the employee does not return to work following FMLA leave.

For any unpaid portion of an employee's leave, the employee will not accrue employee benefits. Employee benefits that the employee has accrued up to the day on which the FMLA leave begins will not be lost.

Job Reinstatement

Employees who return to work on or before the expiration of their FMLA leave are entitled to be reinstated to their former position or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply if business circumstances have changed (e.g., if your position is no longer available due to a job elimination) or for highly compensated employees under specific conditions. An employee who does not return upon expiration of his/her FMLA leave entitlement is no longer protected by the FMLA and is not entitled to reinstatement under the FMLA.

Approved By:

Signature

Executive Director

Date

Reviewed: April 1, 2021 _____ **Revised:** _____