



# Regions Hospital®

<b>Family Medical Leave Act (FMLA)</b>	<b>Policy Number:</b> RH-HR-HR-60-06-11
<b>Review Responsibilities:</b> Human Resources	<b>Effective Date:</b> December 2007  <b>Origination Date:</b> April 1995

## I. Purpose

To comply with the provisions of the Family Medical Leave Act of 1993, providing time off for certain family and medical reasons. For a summary of employee rights and responsibilities under the Family and Medical Leave Act, see the attached poster provided by the U.S. Department of labor, which is incorporated in this policy by reference.

## II. Definitions

Work-week: Seven (7) consecutive days, beginning with Sunday and ending on Saturday.

12 month period: Commences on the effective date of the requested leave. The previous 12-month period determines eligibility. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Immediate Family Member: Parent, spouse, child, domestic partner.

- Domestic Partner: An individual who is not married and sole partner to an unmarried employee, at least 18 years of age or older and lives in the same residence with an employee with the intent to reside together permanently. A domestic partner may be the same or opposite sex.
- Parent: A biological parent or an individual who acted in the place of a parent (“in loco parentis”) when the employee was a child. This term does not include parents-in-law.
- Spouse: A husband or wife as defined or recognized by state law.
- Son or Daughter (Child): A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who acted in the place of a parent (“in loco parentis”) who is under 18, or if the child is over age 18; the child must be incapable of self-care at the time FMLA leave is to commence because of a mental or physical disability as defined by the Americans with Disabilities Act.

Serious Health Condition: an illness, injury, impairment or mental or physical condition that involves the following:

- Inpatient care (overnight stay) in a medical care facility, including any period of

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- inability to work or perform other regular daily activities due to serious health condition, or any subsequent treatment in connection with such inpatient care.
- Continuing treatment by a health care provider, involving any period of inability to work or perform regular daily activities for more than three consecutive days, that also involves treatment by a health care provider two or more times within the first 30 days or treatment on one occasion which results in a regimen of continuing treatment under supervision of a health care provider.
  - Any period of incapacity due to pregnancy or for prenatal care.
  - Chronic serious health conditions, permanent or long-term conditions, or conditions which require multiple treatments.

### **III. Policy**

Eligible employees may take up to a total of 12 work weeks of unpaid, job-protected leave during a 12 month period for one or more of the following reasons:

- 1) For the birth and care of a newborn child of the employee, or for the placement with the employee of a son or daughter for adoption or for foster care;
- 2) For the employee's self-care when unable to work because of his/her serious health condition; and
- 3) For the employee to care for an immediate family member (See definition) who has a serious health condition.

Eligible employees with covered military family members may use their 12-week leave entitlement to address certain qualifying exigencies. Eligible employees may also take up to 26 weeks of leave to care for a covered service member during a single 12-month period. For more detail see the attached FMLA Poster, U.S. Department of Labor or consult Human Resources.

Employees are required to use all available accrued benefit hours during leave (see policy # 60:02:09) including PTO, holiday, old vacation/holiday. Employees with extended sick leave hours should reference policy # 60:02:07. Employees are not required to take more leave than necessary to address the circumstances that precipitated the need for the leave.

Worker's compensation (to the extent that it qualifies) will be designated as FMLA leave and will run concurrently with FMLA leave. Consistent with applicable law, FMLA leave will also run concurrently with any unpaid leave available under state law for the same purpose.

Under certain circumstances employees may take FMLA leave intermittently (taking leave in block of time, or by reducing their normal weekly or daily work schedule) when an employee needs time away from work periodically due to a medical condition stipulated in the required Certification of Health Care Provider Form, which may be obtained from Worksite Health for completion by the employee provider (see below). Leave due to a qualifying exigency for military families may also be taken on an intermittent basis.

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### Maintenance of Benefits

During the entire period of the 12 weeks of FMLA leave, the employer will maintain and contribute to the employee's coverage, under the medical, dental and life insurance plans, in the same manner as when the leave began.

Employees are responsible for regular benefits premium payments that are typically payroll deducted while on a leave of absence. As long as the employee is receiving pay for any accrued benefit hours, the regularly scheduled premiums will continue to be deducted from the employee's pay received from Regions Hospital.

If the employee is no longer receiving a pay check from Regions Hospital while on FMLA leave, the employee remains responsible for his or her share of the premium payments. At the employee's option, Regions Hospital will advance payments on the employee's behalf during unpaid leave, and the employee's regularly scheduled premiums will go into arrears and be deducted from the employee's paycheck upon returning to work from a leave of absence. If the employee chooses this option, scheduled premiums will be normally doubled upon the employee's return to work until the employee has paid all payments in arrears. To choose this option, employees must first sign the attached Employee Notice and Consent Form regarding benefits during leave.

Employees who do not consent to have their premiums held in arrears are required to submit the employee's share of premium payments during unpaid leave on the same schedule as the payments would otherwise be due for continuation of coverage under COBRA. If the employee's premium payment is more than 30 days late, Regions Hospital obligations to maintain health insurance coverage cease upon 15 days' notice to the employee. If Regions Hospital pays the employee's share after the payment is missed, Regions Hospital may recover the premium from the employee.

Regions Hospital may also recover its share of health plan premiums paid on the employee's behalf if the employee fails to return to work after the FMLA leave is exhausted or expires, unless the employee's failure to return is due to the continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member or a serious illness or injury of a covered service member which would otherwise entitle the employee to FMLA leave or other circumstances beyond the employee's control.

### Job Restoration

Employees on FMLA have the right to return to the same or equivalent position including job title, department, FTE, shift, and schedule unless business policy or practices have changed regardless of the employee's presence or absence from the workplace.

- Employee should request their leave 30 days' advance notice (unless the need for leave is unforeseeable). When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Regions Hospital normal call-in procedures.
- The Employee must call HealthPartners Worksite Health at 952-883-7540 to request a leave of absence and obtain the necessary paperwork. Employees must provide sufficient information for the employer to determine if the leave may

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- qualify for FMLA protection and the anticipated timing and duration of the leave.
- Employee requests his or her health care provider to complete the Certification of healthcare Provider form, for leave due to serious health condition of the employee or an immediate family member.
- Employee returns the signed request form, completed Certification of Healthcare Provider Form and signed Employee Notice and Consent regarding Benefits to Worksite Health within 15 days. Failure to provide a complete and sufficient medical certification when requested may result in delay or denial of leave.
- Employee maintains contact with their manager during the leave of absence. Employees may be required to provide periodic recertification supporting the need for leave.
- Employees on intermittent FMLA must call their manager and call Worksite Health to record each period of absence from work. When the employee needs leave for an FMLA-qualifying reason that has already been approved, the employee must specifically reference the qualifying reason or the need for FMLA leave. Calling in “sick” is not sufficient.
- Employees are responsible to record intermittent FMLA time correctly in Regions Hospital time keeping system (myTime).
- Employee contacts Worksite Health and the manager two weeks prior to expected return to work to discuss their return to work schedule.
- If the leave is for the employee’s own serious health condition, the employee must have the health care provider complete the Return to Work Form which must be reviewed by Employee Health and Wellness and approved prior to returning to work. Worksite Health will help coordinate this process
- If the employee’s approved time ends, and the employee fails to report to work or fails to contact their manager to arrange for further leave or return to work, any absences following approved leave will be considered as unscheduled time off and managed accordingly.

**IV. Compliance:** Failure to comply with this policy may result in disciplinary action, up to and including termination.”

**V. Attachments**

**VI. Other Resources**

Bargaining unit employees should refer to their Bargaining Unit Agreement (union contract) for information on other related leave benefits.

Residents/fellows should refer to the GME policy and procedure for information specific to FMLA for residents/fellows and other related leave benefits.

Personal Leave of Absence policy RH-HR-HR-60-06-08

Extended Sick Leave Policy RH-HR-HR-60-02-07

PTO Policy RH-HR-HR-60-02-09

Leave for Immediate Family of Military RH-HR-HR-60-06-12

Leave to Attend Military Ceremonies RH-HR-HR-60-06-13

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**VII. Approval:**

A handwritten signature in black ink that reads "Kim Egan". The signature is written in a cursive style with a large, stylized initial "K".

Kim Egan  
Executive Director Human Resources

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