



## EMTA Family Medical Leave Policy

EMTA supports a work environment that offers solutions to the complex issues employees face in balancing their work and family commitments. Family Medical Leave (FML) provides eligible employees up to 12 weeks (480 hours) of continuous leave or intermittent unpaid leave of up to 480 hours for any 12-month period for one or more of the following qualifying events:

- A serious personal health condition that prevents an employee from performing his/her job.
- Care for a child during the first year following birth, adoption, or foster care placement.
- Care for an immediate family member who has a serious health condition.
- Care for a qualifying family member (spouse, parent, or child) that has been called to or is on active military duty as a member of the National Guard or military services.

Any leave taken for one of the reasons stated above will be designated as FML. This leave will be concurrently counted toward both the 12 weeks of FML and the appropriate paid or unpaid leave balance available to the employee. FML is not intended to cover short-term illnesses that do not meet the definition of a serious health condition.

Health plan benefits provided to an employee prior to taking FML will be maintained during FML leave periods. These benefits are subject to changes that occur within the group plan while the individual is on leave. Employees are still responsible to pay his/her portion of insurance premiums during their FML absence. When leave is concluded, the individual will return to the same or equivalent position with equivalent benefits, pay, and other terms/conditions of employment as long as the employee can satisfy the request to return to work. Return to work shall be subject to the return-to-duty medical/physical examination which shall certify the employee can continue to satisfy the essential functions of his/her position.

At the conclusion of the 12-week period, if the employee cannot return to full duty and a reasonable accommodation cannot be established, the employee's employment shall be terminated pursuant to the provisions of this policy. However, if the employee shall be entitled to additional sick and accident benefits, the balance of the same shall be paid pursuant to the terms established through the collective bargaining agreement.

### POLICY GUIDELINES

#### A. Definitions:

- **LEAVES:** All leaves are subject to departmental approval by EMTA's Human Resources Director. A summary of leave policies referred to within the document include:
  - Paid leave



- Sick Leave: paid leave that is used in the event of personal illness or injury.
- Vacation Leave: paid leave that an employee has accrued.
- Unpaid leave
  - Medical Leave: leave without pay for personal illness or illness of a family member, including any pregnancy related illness.
  - Personal leave: leave without pay for any reason (including the care of family member or due to the birth or adoption of a child).
- Child: a biological child, adopted child, foster child, stepchild, legal ward, or child of a person standing in loco parentis.
- Equivalent position: a position with the same pay, benefits, and working conditions, the same or similar responsibilities duties and requiring substantially equivalent skill, effort, responsibility, and authority. Benefits are subject to changes that occur within the group plan while the individual is on leave. If an employee is unable to fulfill the essential functions of the job as a result of a serious health condition, accommodations may be made when available in accordance with the American with Disabilities Act (ADA).
- Health Care Providers: must be licensed by the state to deliver health care services in order to certify FML.
- Immediate Family: Child, spouse, parent or one who stood in place of a parent.
- Intermittent Leave: leave taken in non-connective blocks of time rather than for one continuous period of time which may include leave periods from an hour or more to several weeks for a period which shall be equivalent to the time worked in a 12-week period.
- Period of incapacity: the inability to work due to the serious health condition treatment or recovery from.
- Reduced schedule: a reduction in the usual number of working hours per day or week for a period of time for reasons related to FML.
- Serious Health condition: a work related or non-work-related illness, injury, impairment, or physical/mental condition that meets any one of the following:
  - Involves in-patient care in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such in-patient care.
  - Continuing treatment by a health care provider that consists of a period of incapacity for more than three consecutive days, that also involves treatment two or more times by a health care provider, or treatment at least once by a health care provider which results in a regimen of continuing treatment.



- Period of incapacity related to pregnancy and childbirth, including parental care.
- Chronic conditions-episodic incapacity (i.e. diabetes, epilepsy), permanent/long term conditions (i.e. terminal cancer, Alzheimer's), or multiple treatments (i.e. chemotherapy, dialysis).
- Act: shall mean the Federal Family Medical Leave Act of 1993 as amended from time to time.
- B. Eligibility Requirements:
  - Employees of EMTA for one year AND who have worked 1,250 hours in the previous 12-months and have a qualifying event shall be eligible for FML.
- C. Requirements for requesting FML.
  - Advanced Notice and Healthcare Provider's report.
    - To the extent foreseeable, employees must give the supervisor a minimum of 30 days' notice of intent to take FML. As much advanced notice as practicable is necessary when applying for FML.
  - Employee notification
    - When a qualifying status change is anticipated, verbal notice should be given as far in advance as possible, followed by written documentation submitted 7 days prior to taking leave.
    - When an incident is immediate or unforeseen, notice should be given as soon as practicable, within one to two days of when the need for leave becomes known to the employee.
  - Documentation of qualifying status change
    - A request for FML must be substantiated with satisfactory documentation provided within 15 calendar days. If the leave is due to the employee's own serious condition, to care for a family member of a serious condition or military caregiver leave, documentation must be submitted from an appropriate health care provider. If the leave is due to adoption or foster care placement, documentation must be submitted from the appropriate agency.
    - Separate documentation may be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.
  - Administrative Approval: A request for FML is subject to the approval of the EMTA Director of Human Resources. Approval is based on compliance with the provisions of the policy and the procedure outlined. In the event an employee does not supply the information required by this policy, the employee's request may be denied or delayed. Further, if an employee refuses to provide such certification, his leave may be denied, and the employee may be disciplined.

## POLICY PROCEDURES



**A. Initiation of Leave:**

- When the employee is aware of the need for FML, he/she shall submit documentation and advise the Supervisor of the need for leave pursuant to this policy. Employees shall submit appropriate documentation to confirm such leave request in the form of a Serious Health Condition Form. The documentation will outline the need for FML for either the employee or family member from a certified medical provider.
- The EMTA Operations Manager and Director of Human Resources shall process FML requests within 15 days of receipt to determine if such request satisfies the FMLA criteria.
- EMTA may seek medical updated every 30 days to substantiate the need for FML.

**B. Calculation of Leave:**

- All leave request that are FML qualifying will be counted towards the 12-week entitlement period.
- The 12-Month qualifying period shall be calculated as follows:
  - Rolling 12-month period measured backward from the date an employee uses FML.
- An eligible employee with less than full-time employment is entitled to 12 work weeks of FML. The amount per week is prorated based upon the employee's work schedule. For example, an employee whose normal schedule is 30 hours weekly is entitled to 12 weeks of FML at the rate of 30 hours per week.

**C. Options for taking Parental Leave:**

- 12-weeks of FML may be taken all at once, intermittently, or on a reduced-leave schedule as approved. For example, an individual may arrange a reduced-leave schedule by working a 3-day work week or by working mornings only. Intermittent leave may be taken hourly, daily or at weekly intervals. Arrangements for intermittent leave must be coordinated with the Human Resources office and the Operations Supervisor.
- For birth, adoption, or foster care placement, leave may be taken on a reduced schedule or intermittently for the first 12 weeks after the qualifying status change. After 12 weeks, leave cannot be taken on an intermittent or reduced schedule without advance notice, scheduling, and departmental approval.
- An employee may be temporarily transferred to an alternative position with equivalent pay and benefits to accommodate leave taken intermittently or on a reduced schedule.
- The department may arrange an alternative work schedule to accommodate an individual's care giving needs if the schedule satisfactorily meets the function and mission of the department.

**D. Documentation Status Change:**



- **Employee's Responsibilities:** Upon receipt of the FML notification, it is the employee's responsibility to submit appropriate and complete documentation of a qualifying event within 15 calendar days. The qualifying event can be for either a serious health condition or for a non-medical change listed below.
  - **Serious Health Condition**
    - Use of FML requires completion of a Medical Certification Statement of Leave form (FMLA-2 Form). EMTA reserves the right to request a second opinion if the validity of a medical certification is questioned. This will be done at EMTA's expense. If the first and second opinions differ significantly, EMTA may request that the employee obtain a final and binding third opinion of a jointly selected health care provider whose fee will be paid by EMTA. EMTA may request recertification when appropriate but generally not sooner than 30 days. A second opinion shall not be required in the case of Military Caregiver Leave.
    - Upon return from leave for personal serious health condition, the employee must present a fitness-for-duty certificate from the health care provider, as appropriate. The employee's return to work may be delayed until such certificate is submitted. Employees refusing to submit a fitness-for-duty certificate will be subject to disciplinary action up to and including termination.
    - Fitness-for-duty certification may be required by an employee returning from intermittent FML leave if serious concerns exist regarding the employee's ability to resume his/her duties safely.
  - **Other qualifying status changes:**
    - Appropriate documentation must be submitted for qualifying events such as adoption, foster care placement, or caring for a child during the first year following birth for non-medical reasons.
- **Supervisor's Responsibilities:**
  - Upon notification from the employee, or if sufficient information leads the supervisor to believe that the leave is potential FML, the supervisor should:
    - Inform the employee of his/her FML rights and obligations.
    - Request the Human resource office issue a letter of notification/potential eligibility for FML to the employee. The letter should have the application for leave form as well as the Medical Certification Statement for leave form.



- Have the HR department review documentation submitted by employee and determine if it meets the criteria for a qualifying event. Notify employee of decision to approve the request for FML. All leave will be counted toward FML entitlement. If no qualifying event exists, notify the employee of his/her ineligibility.
- Request fitness-for-duty certification as appropriate.
- Maintain records of employee leave balances and supporting documentation, and provide current FML balances upon request.
- Comply with federal guidelines by posting the notice to employees for their rights under the Family Medical Leave Act – FMLA.

E. Continuation of Benefits

- While an employee is on paid FML, the premium share contribution (medical, dental, vision) will continue to be deducted from the employee's biweekly pay.
- When an employee is on unpaid FML, the employee will be responsible to pay his/her premiums to EMTA in order to maintain his/her benefits during the unpaid leave period.