

Wake Forest Baptist Medical Center Family Medical Leave (FMLA)

Effective: June 2013

POLICY

The policy of Wake Forest Baptist Medical Center to provide eligible staff/faculty members with job-protected leaves of absence for qualifying reasons, in accordance with the Federal Family and Medical Leave Act of 1993 (FMLA) and set forth below.

SCOPE

Applies to Staff, Faculty, including Leadership

DEFINITIONS

Immediate Family Member

An immediate family member is defined as spouse, parent, biological child, stepchild, adopted child, foster child, and child(ren) for whom the staff/faculty member has legal responsibility and/or acts as the primary caregiver.

GUIDELINES

Eligibility

To be eligible for FMLA leave, a staff/faculty member must have met the eligibility requirements as of the date the FMLA leave commences:

- Completed a total of at least one year of service with the Medical Center and
- Worked at least 1,250 hours during the last 12 months

Types of FMLA Leave

- **Medical and Family Care Leave:** An eligible staff/faculty member may take up to a total of 12 weeks of paid or unpaid leave during any rolling 12-month period for one or more of the following reasons:
 - Birth and care of the staff/faculty member's newborn child
 - Placement of a son or daughter with the staff/faculty member for adoption or foster care
 - To care for an immediate family member who has a serious health condition
 - For the staff/faculty member's own serious health condition
- **Qualifying Exigency Leave:** An eligible staff/faculty member may take qualifying exigency leave for any qualifying exigency arising out of the fact that the staff/faculty member's spouse, son, daughter, or parent (i.e., military family member) is on active duty (or has been notified of an impending call or order to active duty) for deployment to a foreign country. (Such qualifying

exigency leave is available to staff/faculty members whose military family members are serving in the regular Armed Forces, National Guard, Reserves, or retired, re-activated Armed Services.)

- **Military Caregiver Leave:** An eligible staff/faculty member may take military caregiver leave to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

Amounts of FMLA Leave

The amount of FMLA leave varies with the type of leave.

- The total amount of all FMLA leaves (except for military caregiver leave) taken shall not exceed 12 weeks in any rolling 12-month period.
- Military caregiver leave shall not exceed 26 weeks in a single 12-month period, measured from the first day of the leave.
- The combined amount of medical and family care leave and qualifying exigency leave that a staff/faculty member uses shall reduce the amount of military caregiver leave available within a single 12-month period. In other words, the 26 weeks available for military caregiver leave is reduced by any FMLA leave taken for other purposes during the 12-month period.
- The combined total of military caregiver leave and all other leaves under the FMLA cannot exceed 26 weeks in a single 12-month period.
- Medical and family care leave for the birth and/or placement of a child into a staff/faculty member's family for foster care or adoption must be taken within the 12 months immediately following the date of the birth or placement of the child.
- When a staff /faculty member has a spouse who also works at the Medical Center, the two staff/faculty members together will be allowed a combined total of 12 weeks of FMLA leave in any rolling 12-month period for the birth or adoption of a child or to care for a parent with a serious health condition.

Intermittent Leave

FMLA leave may be taken intermittently or as a reduced schedule when taken for a serious health condition of a staff/faculty member or immediate family member, provided that the need to do so is properly certified by a health care provider.

When any of these types of intermittent leave are foreseeable and based on planned medical treatment, the Medical Center may require a staff/faculty member to transfer temporarily to an available alternative position, for which he/she is qualified, if the position has equivalent pay and benefits, and better accommodates recurring periods of leave than the staff/faculty member's regular position. FMLA may also be taken intermittently because of a need for qualifying exigency leave.

Concurrent Leave

If leave is taken for another reason or pursuant to another Medical Center policy that also qualifies as family and medical leave under this policy, it will be considered to be leave taken under this Family and Medical Leave Policy. (FMLA leave runs concurrently with workers' compensation leave.)

Health Benefit Continuation

A staff/faculty member who is on FMLA leave will continue to receive benefits coverage under the Medical Center's group health and dental plans at the level and under the conditions that the coverage would have been provided if the staff/faculty member had continued working.

If the staff/faculty member is on paid FMLA leave, his/her portion of the benefit premiums will be paid through payroll deduction.

If the staff/faculty member is on unpaid FMLA leave, the staff/faculty member must submit payment of his/her share of the benefit premiums each month. If the employee portion of the premium is not submitted by the staff/faculty member each month, benefits may be terminated.

Notice of the Need for FMLA Leave

- A staff/faculty member must notify her or his immediate supervisor of the need for leave at least 30 calendar days prior to the start of the leave when the leave is foreseeable.
- If the need for leave is not foreseeable, the staff/faculty member must notify her or his immediate supervisor of the need for leave as soon as practicable.
- A request for leave may be denied or the start of leave may be delayed if proper notice is not given or if the Healthcare Provider Certification Form is not provided within 15 calendar days.

FMLA Certification Forms

When an FMLA leave is for a serious health condition of the staff/faculty member or his/her immediate family member, the staff /faculty member will be required to provide:

- [Employee Leave Request Form](#)
- Appropriate medical certification of the condition within 15 calendar days of the date the leave is requested.
 - [Employee Certification Form](#)
 - [Family Member Certification Form](#)
- Subsequent medical certification of the condition may be required every 30 days or more frequently, if needed.

When an FMLA leave is for military exigency leave, the staff/faculty member will be required to provide:

- [Employee Leave Request Form](#)
- [Certification of Qualifying Exigency for Military Family Leave](#)

When an FMLA leave is for military caregiver leave, the staff/faculty member will be required to provide:

- [Employee Leave Request Form](#)
- [Certification for Serious Injury or Illness of Covered Servicemember](#)

Management Response

Whenever a manager receives a request for a leave of absence that may qualify as FMLA leave, the manager must contact Leave of Absence Administration to report the leave.

Return to Work

- A staff/faculty member returning from an FMLA leave within the 12-week job-protected period will be returned to the same position or a position comparable in pay, status, and all other terms, conditions, and privileges.
- The staff/faculty member must provide a completed [Release to Return to Work Form](#) to the Leave of Absence Administration prior to return.

Responsible Department:

Human Resources

Review Cycle:

3 years

Approved By:

Cheryl E. H. Locke, Vice President and Chief Human Resources Officer