



## FAMILY AND MEDICAL LEAVE POLICY

The Archdiocese of Cincinnati and its Affiliates (defined as any entity that is subject to the administrative authority of the Archbishop of Cincinnati under Canon Law) provide eligible employees up to 12 weeks of job-protected leave in compliance with the Family and Medical Leave Act (FMLA). FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable leave for certain family and medical reasons.

### DEFINITIONS

**Family Medical Leave of Absence** is available for eligible employees for up to twelve weeks during a twelve-month period for the following reasons: (i) the birth of the employee's child and to care for the newborn child; (ii) the placement of a child with the employee for adoption or foster care; (iii) when the employee is needed to care for a child, spouse, or parent who has a serious health condition; (iv) when the employee is unable to perform the functions of his or her position because of a serious health condition (as defined by the FMLA); or (v) for Military Family Leave (a qualifying exigency or care for an injured service member).

**Amount of leave is** determined by a rolling 12-month period, measured backward from the date an employee uses any FMLA leave. That is, 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. The right to take a leave for the birth or placement of a child expires 12 months after the birth or placement of the child.

**Serious health condition** is an illness, injury, impairment, or physical or mental condition that involves (i) inpatient care in a hospital, hospice, or residential medical care facility, (ii) continuing treatment by a health care provider (as defined by the FMLA); (iii) any period of incapacity due to pregnancy or prenatal care; (iv) continuing treatment by a health care provider for an incurable or serious chronic or long-term health condition.

1. "Continuing treatment" consists of treatment by a health care provider two or more times in-person within 30 days of incapacity or in-person treatment by a health care provider on one occasion that results in a regimen of continuing treatment, where the first in-person health care provider visit occurs within the first seven days of incapacity.
2. An employee with a chronic serious health condition must visit a health care provider in-person at least twice per year.
3. Unless complications arise, the common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraines, and routine dental problems are not "serious health conditions" and do not qualify for FMLA leave. Conditions for which cosmetic treatments are administered (e.g. acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications arise.



4. Although substance abuse may be a “serious health condition,” FMLA leave may only be taken for treatment for substance abuse by a health care provider. Absence because of an employee’s use of the substance does not qualify for FMLA leave.
5. Where the condition involves the employee, the term means a condition that makes the employee unable to perform the functions of his or her position.
6. Where the condition involves a spouse, child or parent, the term means a condition which requires the employee to be absent from work for the care of such family member.

## **ELIGIBILITY**

To be eligible for leave, an employee must have been employed for at least twelve months in total; must have worked at least 1250 hours during the twelve month period preceding the commencement of the leave; and must be employed at a worksite where fifty or more employees are employed within 75 miles of that worksite. All schools, parishes, agencies and other organizations belonging to or affiliated with the Archdiocese of Cincinnati and subject to any aspect of supervisory authority of the Archbishop of Cincinnati under canon law are considered a single worksite for purposes of this requirement.

## **NOTIFICATION AND REPORTING REQUIREMENTS**

When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide reasonable prior notice (normally 30 days advance notice) and, for medical treatment, must make reasonable efforts to schedule leave so as not to disrupt the Employer’s operations. If appropriate notice has not been given, leave may be denied until such notice is provided.

In case of illness, the employee will also be required to report periodically on his or her leave status and intention to return to work. Such notification must normally be provided every 30 days unless the medical certification indicates that the minimum duration is more than thirty (30) days. The Employer may require subsequent recertification of a medical condition upon the expiration of the certification. If the medical certification covers an ongoing or chronic condition, the Employer may require recertification every six months. Failure to comply with certification requirements may result in denial of family or medical leave. Employees returning to work may be required to provide a doctor’s certification releasing them to work.

## **BASIC REGULATIONS AND CONDITIONS OF LEAVE**

1. The Employer shall require medical certification to support a claim for leave for an employee’s own serious health condition or to care for a seriously ill child, spouse or parent. For the employee’s own medical leave, the certification should include a statement that the employee is unable to perform the essential functions of his or her position. For leave to care for a seriously ill child, spouse or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. In its discretion, the Employer may



- require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Employer and the employee.
2. If medically necessary for a serious health condition of the employee or the employee's spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, however, the Employer may require the employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits. An employee needing intermittent FLMA leave or leave on a reduced schedule basis must attempt to schedule their leave so as not to disrupt the employer's operations. An employee requesting intermittent FMLA must also follow the Employer's normal call-in procedures.
  3. If an employee fails to provide the required medical certification, leave may be denied until such certification is provided.
  4. Spouses who are both employed by the same Employer are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child, or care of a parent with a serious health condition.
  5. Employees requesting a leave pursuant to this policy will be required to use any paid time off (including vacation and sick pay) for which they are eligible.
  6. If an employee fails to return to work on the agreed upon return date, and has not notified the Employer, the Employer will assume that the employee has resigned.

## **MILITARY FAMILY LEAVE**

The FMLA entitles eligible employees to "Qualifying Exigency" leave (as defined by the FMLA). Eligible employees with a spouse, son, daughter or parent who is a current member of the Armed Forces, including a member of the National Guard or Reserves, may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The first time an employee requests FMLA exigency leave, the Employer may require that the employee provide a copy of the family member's active duty orders or other reasonable documentation. The Employer may require the employee provide reasonable documentation for each specific exigency where leave is required.

The FMLA entitles eligible employees to Military Caregiver Leave. The FMLA includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. This leave is per-service member and per-injury. A covered service member is a current member, or veteran, 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 that may render the service member medically unfit to perform his or 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. The maximum amount of FMLA any eligible employee may take in a 12-month period is 26 weeks.

The Employer may require the employee to submit certification providing sufficient facts to support the request for leave, including certification by the service member's health care provider and written documentation confirming that the covered service member's injury or illness was incurred in the line of duty on active duty and that the covered service member is undergoing treatment for such injury or illness by a health care provider.

### **STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE**

1. Medical benefit coverage will be maintained for an employee who is granted an approved leave of absence under this policy, unless the employee opts to cancel coverage during FMLA leave. Employees who wish to maintain such coverage during the leave must continue to make the contributions which they normally make for such coverage during leave. Payments are due on or before the first day of the month. Failure to make the required payment may result in termination of the coverage. If coverage is cancelled during FMLA leave, it will be reinstated at the same level as prior to the leave if the employee returns during the same plan year and as long as the employee returns to work immediately upon FMLA leave being exhausted.
2. Coverage under the Flexible Spending Account Plan will also continue during the FMLA leave, unless the employee elects to opt-out at the beginning of the leave. Payments are due on or before the first day of the month. Failure to make the required payment may result in termination of the coverage. If the employee opts-out and returns to work immediately following the FMLA leave, the employees' coverage in the Flexible Spending Account Plan will be reinstated upon his/her return if it is during the same Plan Year. The employee will be automatically re-enrolled at the same annual amount the employee was enrolled in prior to his or her leave. The amount of payments missed during the employees FMLA leave will be prorated over the remainder of the Plan Year. No expenses will be reimbursable during the FMLA leave if he or she opts-out of coverage or fails to make timely payments during the leave.

### **PROCEDURES**

1. A Leave of Absence Form must be submitted to management by the employee. This form should be completed in detail, signed by the employee, submitted to the immediate supervisor for proper approval, and forwarded to Human Resources or appropriate office. When possible, the form should be submitted at least thirty (30) days in advance of the effective date of the leave.





2. All requests for family and medical leaves of absence due to illness should include a completed medical certification form. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the reason such leave is required, the dates on which such treatment is expected to be given and the duration of such treatment must be included.
3. Misrepresentation of facts to obtain a leave of absence or to secure an extension of a leave of absence will result in termination of employment. Unless specifically authorized in writing by the Archdiocese of Cincinnati or with respect to military duties performed pursuant to a military leave of absence, a leave of absence will not be granted to engage in employment elsewhere and any employee who engages in employment elsewhere while on a leave of absence will be deemed to have voluntarily quit his/her employment with the Archdiocese of Cincinnati.

### **MODIFICATIONS AND EXCEPTIONS**

The Archdiocese of Cincinnati and its Affiliates reserve the right to unilaterally modify this policy and procedure at any time. Any exception must have the approval of the Department Directors and be coordinated with Human Resources.

Nothing in this policy is intended to create a contractual obligation between the Archdiocese or its Affiliates and any employee, nor is it intended to alter the employment-at-will status. While this policy sets forth a general management guideline, the Archdiocese/Affiliates reserve the right to terminate the employment relationship at any time, with or without prior notice.

