

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Catholic Diocese of Kansas City - St. Joseph will grant a leave of absence under the Family and Medical Leave Act (FMLA) to eligible employees for certain qualifying reasons. Upon their return from leave, employees are entitled to be reinstated to their former position or an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment (with some exceptions).

To be considered an eligible employee, you must have: 1) at least 12 months of service with The Catholic Diocese of Kansas City - St. Joseph; 2) have worked at least 1,250 hours in the 12-month period immediately prior to the first day of leave; and 3) work at a location that has 50 or more employees within 75 miles.

In addition, eligible employees must establish that they have a qualifying reason for leave.

### **Qualifying Reasons for Leave**

Eligible employees may take up to 12 workweeks of unpaid leave per leave year for any one, or combination, of the following qualifying reasons:

- Birth of a child and to care for and bond with the newborn child;
- Placement of a child for adoption or foster care and to care for and bond with the child;
- You are needed to care for your spouse, child, or parent with a serious health condition;
- You suffer from a serious health condition that prevents you from performing your job duties; or
- You experience a qualifying exigency relating to a family member's active duty or call to active duty in a foreign country.

The FMLA also allows employees to take up to 26 weeks of leave to care for a family member who was injured on active duty in a foreign country. This is called "military caregiver leaves" and is discussed in more detail below.

For all types of leave other than military caregiver leaves, the employee's entitlement to leave will be based on a rolling 12-month period measured backward from the date he or she uses any FMLA leave. For example, an employee who requests leave on October 3, 2015, will not be entitled to leave if he has already used 12 weeks of FMLA leave in the 12 months prior to that date.

### **Family Members Covered**

The following general definitions apply in determining whether someone is a "family member" for whom an employee may take leave:

- "Child" means the employee's biological, adopted, step, or foster child, legal ward, or a child for whom the employee acts as a parent. Whether leave may be taken for an adult child varies depending on the type of leave requested and other circumstances.
- The term "parent" means a biological, adoptive, step, or foster parent or an individual who acts or acted as a parent for you when you were a minor child.
- Under the FMLA, the term "spouse" is defined to include an individual to whom an employee is legally married under: 1) the law of any state; or 2) any foreign law if the marriage would be legal if entered into in any state of the United States.

Documentation may in some instances be required to verify the family relationship. Questions about whether a particular family member is covered should be addressed to the Human Resources Coordinator.

### **Leave for a Serious Health Condition**

Employees may take leave:

- When they suffer from a serious health condition that prevents them from working; or
- When they are needed to care for a family member with a serious health condition.

A “serious health condition” is an injury, illness, impairment or physical or mental condition that involves inpatient care or “continuing treatment by a health care provider” as defined by law. Pregnancy is considered a serious health condition, as are certain permanent, long-term, or chronic health conditions.

In this context, the term “family member” includes: 1) the employee’s parent, spouse, or minor child; or 2) the employee’s adult child who is disabled and incapable of self-care. Questions about whether a particular family member is covered should be addressed to the Diocese Benefits Team.

### **Leave Relating to Birth, Adoption, or Foster Placement**

Employees may take FMLA leave after the birth, adoption, or foster placement of a child. Because this leave is for the purpose of caring for and bonding with the new child, it is not necessary for the child to suffer from a serious health condition in order for an employee to take leave. Employees may not take this type of leave intermittently. The employee must conclude such leave no more than 12 months after the birth, adoption, or placement of the child.

Employees may take leave before the adoption or foster placement of a child when it is necessary in order for the placement to proceed.

### **Qualifying Exigency Leave**

The FMLA allows employees to take up to 12 weeks of unpaid leave when:

- They have a parent, spouse, or child on active duty status or call to active duty status in a foreign country; and
- They experience a qualifying exigency, generally defined as an urgent circumstance or need.

*This is not a separate leave entitlement.* With the exception of military caregiver leave, employees are limited to a combined total of 12 weeks of FMLA leave in the applicable leave year, including both qualifying exigency leave and the other reasons for leave listed above.

### **Military Caregiver Leave**

The FMLA allows eligible employees to take up to 26 weeks of leave to care for a family member who:

- Is a covered servicemember as defined by the FMLA;
- Has a serious injury or illness that was incurred or aggravated in the line of duty while on active duty in a foreign country; and
- Is unable to perform the duties of his or her office, grade, rank or rating.

In this context, the employee must be the covered servicemember’s parent, spouse, child, or next of kin.

Eligible employees may take up to 26 weeks of military caregiver leave during a single 12-month period, starting on the date the employee first takes such leave. The employee’s leave entitlement during this time frame is limited to a combined total of 26 weeks for all qualifying reasons under the FMLA, including qualifying exigencies and the other reasons for leave listed above.

## **Leave Requests**

In the event an employee must take FMLA leave, it is the employee's responsibility to notify the Diocese Benefits Office so you can be directed to the right person at your location of any time away from work for FMLA-covered purposes, including time for doctor's appointments, treatments, lapses in the recovery process, military appointments, etc.

*An employee does not provide adequate notice of the need for FMLA leave merely by calling in sick. You must provide sufficient information for The Catholic Diocese of Kansas City - St. Joseph to have reason to believe that the leave may be protected by the FMLA. Each time leave is requested based on a new qualifying reason, you must provide notice of the need for leave and undergo the certification process (as described below) for the newly requested leave.*

In general, employees are required to provide at least 30 days' advance notice of the need for leave. If it is not practicable to give at least 30 days' advance notice, then notice must be given as soon as is practicable under the circumstances. Employees must also provide reasonable notice if they: 1) need to extend their leave; or 2) wish to return to work sooner than initially anticipated.

Once it has received the initial notice of a leave request, The Catholic Diocese of Kansas City - St. Joseph will initiate the following notice and certification process.

**Eligibility Notice** – Employees will be notified whether they meet the FMLA's eligibility requirements and informed of their rights and responsibilities associated with FMLA leave. Employees who do not meet eligibility requirements are not entitled to FMLA leave.

**Medical and Other Certifications** – The Catholic Diocese of Kansas City - St. Joseph requires employees requesting leave to provide certification of the need for leave. The necessary certification forms will be provided to employees with the Eligibility Notice. Employees are expected to cooperate fully with all requests for information regarding whether absences are FMLA-qualifying. Failure to do so may result in denial of the leave.

Medical certifications must be returned within 15 days unless it is not practicable to do so. An employee may be given an additional seven days to correct any deficiencies in the certification, and The Catholic Diocese of Kansas City - St. Joseph may contact the certifying health care provider directly in certain circumstances to address problems with the certification. In certain circumstances, an employee may be required to undergo a second and, if deemed necessary, third independent examination to resolve any doubts about the validity of a certification.

If an employee fails to provide a complete and adequate certification as required above, the leave request may be denied, and any absences will not be protected under the FMLA.

**Leave Approval or Denial**– The Catholic Diocese of Kansas City - St. Joseph will issue a Designation Notice within five business days after it has received sufficient information to make a determination as to whether the employee qualifies for leave. The notice will inform the employee: 1) Whether the leave request is being granted or denied; and 2) If possible, how much leave will be counted against the employee's leave entitlement.

## **Intermittent Leave**

In some circumstances, employees may take leave on an intermittent or reduced schedule basis for their own serious health condition, to care for a family member with a serious health condition, or to care for a covered servicemember with a serious injury or illness. These types of intermittent and reduced schedule leave are allowed only when medically necessary. Qualifying exigency leave may be taken intermittently without regard

to medical necessity.

When the need for intermittent leave is foreseeable, employees are required to work with their supervisor to come up with a schedule for leave that minimizes disruption of the business. Although employees are not required to submit a new leave request for each instance of intermittent leave, you may be required to provide re-certification of the need for leave under the circumstances described above.

All leave that is taken for an FMLA-qualifying reason will be counted as FMLA leave, whether the leave is for a few hours or several weeks. Employees are required to take intermittent leave in minimum increments of no less than 30 minutes.

### **Additional Requirements**

Employees who are approved for FMLA leave are required to provide notice each time they take leave for the reasons stated in the Designation Notice, including when they request or take intermittent leave. If you have more than one Designation of leave, you must provide sufficient information for The Catholic Diocese of Kansas City - St. Joseph to determine which reason a given absence is for.

Re-certification of your need for leave may be required if the leave lasts more than 30 days and one of the following occurs:

- Expiration of the period of incapacity specified in the certification;
- The employee requests an extension of leave;
- There is a significant change in the certification or the employee's incapacity;
- The continuing validity of the certification is in doubt; or
- In any event, every six months in connection with an absence.

Additionally, employees may be required to provide a new medical certification annually, for which the same procedure and timelines apply as for the initial medical certification.

It is also important to understand that any paid leave you have available must be used concurrently with FMLA leave.

### **Benefits during Leave**

The Catholic Diocese of Kansas City - St. Joseph will maintain the employee's coverage under the group health care plan for the duration of FMLA leave at the same level and under the same conditions as such coverage is provided when not on leave. This means The Catholic Diocese of Kansas City - St. Joseph will continue to pay the portion of the premium that it normally pays ("employer premium") and employees will remain responsible for the portion of the premium that they normally pay ("employee premium"). Prior to the commencement of leave, The Catholic Diocese of Kansas City - St. Joseph will work with employees to establish a payment schedule for employee premiums.

### **FMLA Leave Fraud**

Employees may take FMLA leave only for the reasons described herein... The following are examples of behavior that may be considered fraudulent:

- Falsifying any required documentation related to your request for leave (Example: Forging a doctor's signature on a medical certification form);
- Requesting and/or taking FMLA leave for non-FMLA reasons (Example: Taking FMLA leave to go on vacation because you are out of paid leave);

- Requesting and/or taking FMLA leave when it is not needed (Example: Your activities during leave are inconsistent with the serious health condition for which you requested leave).

Intentional misrepresentations regarding your entitlement to leave will be considered fraudulent and grounds for immediate termination