

## 601 Family and Medical Leave

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Purpose: To provide eligible employees with job-protected leave from work in compliance with State and Federal Family Medical Leave Act laws.

**Pine Haven Christian Communities** provides family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the State of Wisconsin Family and Medical Leave Act (WFMLA). This policy highlights the main provisions of these laws and outlines Pine Haven's implementation of their requirements.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Federal and State FMLA laws are consistent in multiple aspects. Federal and Wisconsin FMLA will be tracked concurrently. Where one law provides a greater benefit than the other, the employee will receive the greater benefit.

### Definitions

*Domestic Partner* – as defined by the State of Wisconsin (chapter 770 Domestic Partnership).

*Leave Entitlement* – Amount of time available by Federal or State law per 12-month period. Under Wisconsin FMLA and for purposes of this policy, the 12-month period will be defined as a calendar year.

*Serious Health Condition* – Illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility OR outpatient care which includes continuing treatment by a health care provider.

*Weeks* – Workweeks; in terms of entitlement, based on the number of hours an individual is assigned to work in a week

### Eligibility

WI FMLA	Federal FMLA
<ul style="list-style-type: none"><li>• 52 consecutive weeks of employment</li><li>• Paid for at least 1,000 hours in the last 12 months</li></ul>	<ul style="list-style-type: none"><li>• At least 12 months of employment, not necessarily consecutive</li><li>• Worked at least 1,250 hours in the past 12 months</li></ul>

## Leave Entitlement

WI FMLA – Per Calendar Year	Federal FMLA – Per 12 Month Period
<ul style="list-style-type: none"> <li>• 6 weeks to care for a child after birth or adoption – leave taken for a birth must be taken within 16 weeks of the birth</li> <li>• 2 weeks to care for a parent, spouse, child, or domestic partner with a serious health condition</li> <li>• 2 weeks to care for the employee’s own serious health condition</li>   <li>• An employee may not take more than 10 weeks per calendar year for any combination of the above entitled leave</li> </ul>	<p><b>Per 12 Months</b></p> <ul style="list-style-type: none"> <li>• 12 weeks total               <ul style="list-style-type: none"> <li>○ Birth, adoption or foster care placement of child, or to care for child after birth</li> <li>○ To care for a parent, spouse, or child with a serious health condition</li> <li>○ Own serious health condition</li> <li>○ To address qualifying exigencies related to a covered service member’s call to active duty</li> </ul> </li>   <li>• 26 weeks total               <ul style="list-style-type: none"> <li>○ To care for an ill or injured covered service member</li> <li>○ Time may be reduced by time taken under 12-week provision</li> </ul> </li> </ul>

Employees who are married to another employee will be entitled to a maximum of 12 weeks (combined total) of qualifying leave under FMLA.

### Family Medical Leave & Attendance Policy

The Family and Medical Leave Act (FMLA) allows eligible employees to take job-protected, unpaid leave during a defined 12-month period for specified family and medical reasons. Approved time off under FMLA will be excused and will not be used as a basis for disciplinary action for attendance.

### Compensation During Leave

Federal and Wisconsin FMLA laws address pay during leave differently. Under state law, an employee may choose to take the time off as paid or unpaid time. Pine Haven will comply with State law for leave time under Wisconsin FMLA law.

Under Federal law, the leave is generally unpaid. However, an employer may require an employee to use available benefits to substitute for the unpaid time. Pine Haven will require an employee to use available Paid Time Off (PTO) and/or Sick Leave as a substitute for unpaid FMLA leave. Using paid time does not entitle an employee to additional unpaid time under the FMLA policy.

For employees who are participants in Pine Haven's group insurance plans, insurance coverage will continue to be provided by Pine Haven at the same rate during an approved FMLA leave of absence. Participants will be required to pay the normal employee contribution, if any, for these benefits while on leave. If employees are receiving pay from Pine Haven while on leave, the employee contribution will be deducted from the paycheck. During any period for which a leave is unpaid, employee contributions will be suspended until you return from leave, and a lump sum deduction will be taken from the first paycheck following your return. If an employee fails to return to work, Pine Haven may recover the entire cost of the coverage provided during the unpaid leave.

### **Intermittent Leave or a Reduced Work Schedule**

An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a calendar year.

Pine Haven may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, Pine Haven and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced schedule. A written agreement should be approved by the department Manager and Director of Human Resources. Under Federal law only, leave for birth, adoption, or foster care of a child must be taken within 16 weeks of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Pine Haven before taking intermittent leave or working a reduced schedule. A written agreement should be approved by the department Manager and Director of Human Resources. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **Certification for the Employee's Serious Health Condition**

Pine Haven will require health provider certification for the employee's serious health condition. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Pine Haven may directly contact the employee's health care provider for verification or clarification purposes. This contact will be made by the Human Resources department. The employee's direct supervisor will not make contact with the health care provider. Before Pine Haven makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Pine Haven will obtain the employee's permission for clarification of individually identifiable health information.

#### **Certification for the Family Member's Serious Health Condition**

Pine Haven will require health provider certification for the family member's serious health condition. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Pine Haven may directly contact the employee's family member's health care provider for verification or clarification purposes. This contact will be made by the Human Resources department. The employee's direct supervisor will not make contact with the health care provider. Before Pine Haven makes direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, Pine Haven will obtain the employee's family member's permission for clarification of individually identifiable health information.

#### **Certification of Qualifying Exigency for Military Family Leave**

Pine Haven will require certification of the qualifying exigency for military family leave. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

Pine Haven will require certification for the serious injury or illness of the covered service member. The employee must provide certification within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **Recertification**

The company may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The company may provide the

employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

### **Scheduling Leave**

Leave must be scheduled in such a fashion that it does not unduly disrupt Pine Haven's operations.

### **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Human Resources Department. Within five business days after the employee has provided this notice, the Human Resources department will provide the employee with the Notice of Eligibility and Rights form and other related paperwork, including medical certification forms to be returned.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with Pine Haven's usual procedure for notifying the department Manager or designee of the absence. This notification is to be made in addition to contacting the Human Resources department.

### **Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, Pine Haven may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **Employee Status After Leave**

An employee who takes leave under this policy for his/her own medical condition will be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request.

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits, and working conditions. Pine Haven may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

### **FMLA and Other Leaves of Absence**

Workers' compensation leaves will run concurrently with FMLA benefits.

Employees who are not eligible for FMLA, exhaust the time allowed by law, or wish to take a leave for a purpose that does not qualify for FMLA should contact the Human Resources department or consult the employee handbook for other leaves that might be available.