

Title: Leave of Absence		Policy Number: C-8370-305
Originating Department: Human Resources	Affected Department: All FHC Entities	
Original Date: 05-1993	Revised Date: 08-2006	Reviewed Date: 02-2020
Medical Director Approval (if applicable):	Vice President, Quality Approval:	
Vice President Approval:	CEO Approval:	

POLICY:

FirstHealth of the Carolinas will provide leaves of absence in accordance with the Family and Medical Leave Act (FMLA) and the Uniform Services Employment and Reemployment Rights Act (USERRA).

I. PURPOSE:

To provide the employee the opportunity to maintain continuity of service in instances where circumstances require an extended absence.

II. ELIGIBILITY:

For FMLA and other personal leave:

- Full time employees who have completed six (6) months of continuous employment; or
- Employees who have completed twelve (12) months of employment, and who have worked at least 1250 hours in the twelve (12) months immediately preceding the leave date requested

Eligible employees may take FMLA leave for the following reasons:

- To care for the employee’s child after birth or placement for adoption or foster care;
 - To care for the employee’s spouse, son or daughter, or parent who has a serious health condition;
- or
- For a serious health condition that makes the employee unable to perform the employee’s job.

In addition, leave may be granted to eligible employees at FirstHealth's discretion for other legitimate personal reasons, including to complete certain job-related educational courses.

Employees who meet the requirements of USERRA or other applicable state or federal law shall be eligible for leaves of absence for military service consistent with the requirements and obligations set forth under those laws.

III. LEAVE DURATION/RETURN:

- A. Leave Duration – Unless otherwise dictated by law, a leave of absence may be requested for a continuous or intermittent period up to twelve (12) weeks. If additional leave time is needed, the employee may request an extension up to an additional twelve (12) weeks. The maximum allowable length of leave is twelve (12) months or the employee’s pre-leave active employment period, whichever is less. Failure to return to work within this period will result in termination of employment.

- B. Return from Leave – If an employee on FMLA leave is available to return to regular employment after no more than a total of twelve (12) weeks of approved leave time during the immediately preceding twelve (12) month period, the employee will be reinstated in his/her position or an equivalent position. If an employee on non-FMLA personal leave is available to return to regular employment after no more than a total of twelve (12) weeks of approved leave time during the immediately preceding twelve (12) month period, FirstHealth will make reasonable efforts within its sole discretion to reinstate the employee in his/her position or an equivalent position if one is currently available. Employees on military leave shall have reinstatement rights as set forth under applicable state and federal law.

If the employee's position has been eliminated during his/her approved leave period, or if the employee on leave is unable to return to employment after twelve (12) weeks of approved leave time during the immediately preceding twelve (12) month period the employee is not guaranteed a specific position, rate of pay, department or shift when the leave ends. If the employee's position is not available, he/she may remain on leave, and apply for other positions available within FirstHealth. If another position is not offered within four (4) weeks of the end of the employee's approved leave period, or the employee is offered a comparable position and declines it, employment will be terminated.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of employee's leave.

IV. EMPLOYEE RESPONSIBILITY:

- A. Request for Leave – An employee expecting to be away from work for more than seven (7) calendar days must complete a Leave of Absence Request form. The employee should give as much notice as possible when requesting a leave of absence, which shall ordinarily be thirty (30) days advance notice when the employee's leave is foreseeable. In all circumstances in which the leave qualifies as FMLA-protected leave, all days of absence shall be counted against the employee's annual FMLA leave entitlement. In the case of a medical leave, the employee must present a completed Certification of Health Care Provider form within fifteen (15) days of request of the Leave of Absence, and FirstHealth may require second or third opinions (at FirstHealth's expense). Failure to provide the required certification may result in the denial of leave.

A request for an extension of leave must be submitted in writing to the supervisor and Human Resources at least seven (7) calendar days prior to the expiration of the approved leave.

- B. Paid Time Off (PTO) – The employee must complete a PTO/Sick Leave Bank/Meeting Request form to advise the supervisor and Human Resources of the amount of PTO he/she wishes to use each pay period during the leave. PTO will accrue during any leave based on the hours actually worked and paid for during each pay period.
- C. Working Part-Time While on Leave – With Human Resources and the supervisor approval, an employee may work part-time with FirstHealth while on a leave of absence. Exempt employees who take intermittent leave or otherwise work part-time may be paid on an hourly

basis while on the new modified schedule. An employee on a leave of absence from FirstHealth may not work for another organization while on leave without notifying Human Resources.

- D. Return from Leave – The employee must contact the supervisor and Human Resources prior to returning to confirm position availability and schedule. If the employee has been medically disabled, he/she must provide a physician statement releasing him/her to return to work. The employee is expected to return from leave when released by the physician.
- E. Benefits While on Leave – The employee is responsible for his/her portion of the cost of any benefits provided during the leave period. The employee must pay his/her portion of benefit cost to Human Resources by the end of each pay period due, unless prior arrangements have been made with Human Resources. Failure of an employee to pay their portion of benefit costs for two pay periods may result in termination of benefits.

V. SUPERVISOR RESPONSIBILITY:

The Supervisor is responsible for:

- Notifying Human Resources of the employee's request or need for a leave.
- Ensuring PTO is paid consistent with the employee's request.
- Notifying Human Resources of the employee's return to work date.

VI. HUMAN RESOURCES RESPONSIBILITY:

Human Resources is responsible for:

- Reviewing the employee's eligibility for a leave of absence.
- Reviewing and approving employee requests for discretionary personal leave.
- Assisting and advising employees of their rights and responsibilities during their leave, including benefit continuation and administration.

VII. FMLA RIGHTS:

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against any employer for violations. FMLA does not affect any Federal or State law or collective bargaining agreement that provides greater family or medical leave rights. For additional information on the Family Medical Leave Act, employees may contact an office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.