

FAMILY AND MEDICAL LEAVE POLICY – (WCGME)

As required by law, an employee may request time off without pay for a limited period with job protection and no loss of accumulated service if the employee returns to work. This leave will follow the provisions of the Family and Medical Leave Act of 1993 (FMLA).

1. DEFINITION:

A family or medical leave of absence is defined as an approved absence available to eligible employees for up to 12 weeks of unpaid leave a year under particular circumstances that are critical to the life of a family.

Leave may be taken:

- On the birth of an employee's child;
- On the placement of a child for adoption or foster care with an employee;
- When an employee is needed to care for a child, spouse, or parent who has a serious health condition; or
- When an employee is unable to work at all or is unable to perform at least one of the essential functions of his or her position because of the employee's own serious health condition.

For a condition to constitute a "serious health condition," the following circumstances must apply:

- Inpatient care, including any period of incapacity or any follow-up treatment related to the inpatient care;
- Incapacity of more than three consecutive calendar days and any follow-up treatment or period of incapacity relating to the same condition that involves:
 - i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services under orders of, or on referral by, a health care provider; or
 - ii. Treatment, by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
- Any period of incapacity due to pregnancy or for prenatal care;
- Any period of incapacity or treatment due to a chronic serious health condition;
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
- Any period of absence to receive multiple treatments for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

2. SCOPE:

This policy applies to all family and medical leaves of absence except for leaves that are covered under paid employment benefit plans or policies for any part of the 12 weeks' leave to which the employee may be entitled under this policy. In other words, if an employee is entitled to both FMLA leave and paid leave under another benefit plan or policy, then the employee must take the paid leave first.

3. ELIGIBILITY:

To be eligible for leave under this policy, an employee must have been employed here for at least 12 months and must have worked at least 1,250 hours during the 12-month period preceding the beginning of the leave.

An eligible employee is entitled to 12 weeks of leave during the 12-month period measured backwards from the date of the request for leave.

Employees are required to use their available vacation time during the 12-week family leave period, and available sick days will be used when family leave is taken because of serious health conditions. NOTE: That portion of the family leave of absence which is vacation time and/or sick days will be with pay according to WCGME's policies regarding vacation time and sick days. The employee will be notified immediately in writing that the vacation time and sick days will be counted towards the 12 weeks of family leave. If written notice is not given to the employee by the date of expiration of the leave, the leave will not be counted towards the employee's available 12 weeks of family leave.

4. NOTIFICATION AND REPORTING REQUIREMENT:

Birth or Placement of a Child

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide WCGME at least 30 days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than 30 days from the date of notice to WCGME, the employee must provide such notice as soon as practical.

Employee's Serious Health Condition or Family Member's Serious Health Condition

Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- Give at least 30 days' notice, or as soon as practical if treatment starts in less than 30 days; and
- Make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of WCGME, subject to the approval of the health care provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any leave request based on a family member's or employee's, own serious health condition must be supported by certification from the health care provider. The employee must provide a copy of the certification to WCGME in a timely manner. If the leave is foreseeable, then the certification must be provided within 15 calendar days from the time the leave begins.

Certification from the health care provider must contain:

- The date the serious health condition began;
- The possible duration of the condition;
- The appropriate medical facts regarding the condition;
- If the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- If the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform at least one of the functions of his or her position; and
- In the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date the treatment is expected to be given and the duration of the treatment.

WCGME may require a second medical opinion and periodic recertifications at its own expense for an employee's health condition. If the first and second opinions differ, WCGME may require the binding opinion of a third health care provider, approved jointly by WCGME and the employee and paid for by WCGME.

If the employee fails to give advance notice of leave when the need is foreseeable, leave may be delayed up to 30 days from the date on which WCGME receives notice. Leave may also be delayed until WCGME receives the required medical certification.

5. INTERMITTENT OR REDUCED LEAVE:

Leave may be taken on an intermittent or reduced-leave schedule if it is medically necessary for a serious health condition of the employee or his or her spouse, child or parent. If the leave is for the birth of an employee's child or placement of the child for adoption or foster care, then intermittent or reduced-leave will be allowed only upon agreement with WCGME. The employee must contact the Chief Operating Officer and make a written request for intermittent or reduced-leave. WCGME will review the request and provide written notification to the employee that such leave has been approved.

If intermittent or reduced-leave is required, WCGME may require the employee to transfer temporarily to a part-time schedule or an alternative position that better accommodates recurring absences. The alternative position will have equivalent pay and

