

**WICHITA CENTER FOR GRADUATE MEDICAL EDUCATION, INC.
FAMILY AND MEDICAL LEAVE POLICY**

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) as amended by the National Defense Authorization Act of 2008 (NDAA).

1. CIRCUMSTANCES:

Eligible employees are entitled to time off from work for the following circumstances:

- On the birth of an employee's child and to care for a newborn 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;
- 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;
- Any qualifying contingency arising out of the fact that the spouse or a son, daughter, or parent of an employee is a covered military member on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation; or,
- To care for a covered service member if the employee is a spouse, child, parent or next of kin of a covered service member with a "serious injury or illness" incurred in the line of duty on active duty.

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.

4. DEFINITIONS:

For purposes of this policy, the following definitions apply:

A. Child:

1. Biological, adopted, step or foster child of the employee; or,
2. Legal ward of the employee; or,
3. A child for whom the employee stands in loco parentis (is a substitute parent).

The child must be under 18 years of age and unmarried, or age 18 and over, but incapable of self-care due to a temporary or permanent mental or physical disability.

B. Spouse: The husband or wife of the employee, including a common law spouse.

C. Parent:

1. Biological, adoptive, step or foster father or mother of the employee; or,
2. An individual who stood in loco parentis (as a substitute parent) for the employee when the employee was a child.

D. Next of Kin: The nearest blood relative other than the covered service member's spouse, parent, or child in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

E. Covered Service Member: A current member of the Armed Forces, including a member of the National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

F. Serious Health Condition:

1. An illness, injury, impairment or physical or mental condition that prevents the employee from working at all or makes the employee unable to perform any one of the essential functions of his/her job and involves inpatient care or continuing treatment by a health care provider; or
2. A medical condition of a spouse, child, or parent in which the employee is "needed to care for" the family member who has a serious health condition.

For purposes of this type of leave, the following conditions must be satisfied:

1. Overnight inpatient care in a hospital, hospice or residential medical care facility including any period of incapacity (i.e. inability to work, attend school or perform

other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) or any subsequent treatment in connection with the inpatient care; or

2. Continuing treatment by a health care provider for serious health condition involving a period of incapacity of more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times within 30 days of the first day of incapacity per year by a health care provider, treatment by a health care provider on at least one occasion and a regimen of continuing treatment; or
 1. Incapacity due to pregnancy or for prenatal care; or
 2. Chronic conditions which include any period of incapacity or treatment for such incapacity due to a chronic serious condition. A “chronic serious health condition” is one which requires periodic visits, at least twice a year, for treatment by a health care provider or a nurse under direct supervision of a health care provider, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity; or,
 5. A period of incapacity due to permanent or long-term condition for which treatment may not be effective; or
 6. Any period of absence to receive multiple treatments by a health care provider for restorative surgery after an accident or injury or a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.
- G. Serious Injury or Illness: One that was incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating.
- H. Military Caregiver Leave or Covered Service Member Leave: Job-protected leave to care for a covered service member with a serious illness or injury.
- I. Qualifying Exigency Leave: Leave to manage the affairs when the covered service member is on active duty status or called to active duty status with the National Guard or Reserves but not the Regular Armed Forces in support of contingency operation, to include, but not limited to: (1) short-notice deployment; (2) military events and related activities; (3) child care and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities not encompassed in the other categories but agreed to by the employer and employee.
- J. Single 12 month period: As it relates to only the Military Caregiver Leave or Covered Service Member Leave, the single 12 month period during which this leave

can be taken begins on the first day the employee takes this leave and ends 12 months later, regardless of the 12 month period established by WCGME for determining the amount of time available for other types of FML. For these types of leave, the employee is limited to a combined total of 26 workweeks of leave for any FML-qualifying reason during this “single 12 month period” with only 12 of the 26 weeks of allowed leave to be used for a FML-qualifying reason other than to care for a covered service member.

- K. Confidentiality: An employee’s medical condition is confidential. However, the COO of WCGME and the employee’s Program Director may be informed about any necessary restrictions on the work or duties of the employee and about necessary accommodations.

5. NOTIFICATION AND REPORTING REQUIREMENT:

- A. For foreseeable leave for an employee’s own serious health condition or a family member’s serious health condition or to care for a planned medical treatment for a serious injury or illness of a covered servicemember, the application must be submitted to WCGME at least 30 days before the date the leave is to begin. If 30 days advance notice is not practicable, the employee must provide notice as soon as practicable.
- B. Application for emergency (unforeseeable) leave for a qualifying reason must be made as soon as practicable to WCGME via phone, fax or in person by the employee, or if the employee is medically unable to apply, application can be made by his or her representative.
- C. Notice of the need for foreseeable leave due to a qualifying exigency must be provided by the employee as soon as practicable.
- D. For purposes of the notice required by an employee for leave, the term “as soon as practicable” will be based on the facts and circumstances of each situation, however, the notice must be provided by the same day the employee learns of the need for leave or by the next business day. The Residency Program’s call in procedures to report an absence remains in effect and must be followed by employees.
- E. The employee or his/her representative must provide the following information:
 - l. For a leave to care for a newborn child, documentation sufficient to evidence the birth of the child during the 12 months immediately preceding the date the requested leave is to begin:

2. For a leave to care for an adopted or foster child, documentation sufficient to evidence the placement of the child with the employee during the 12 months immediately preceding the date requested leave is to begin;
 3. For a leave necessitated by the employee's own serious health condition or to care for a child, parent or spouse who has a serious health condition, written certification (on the Certification of Health Care Provider FMLA Physician's Report provided by WCGME) from the health care provider of the individual with the serious health condition. WCGME reserves the right to request, at its expense, a second opinion at any time from a health care provider of its choice regarding the employee's or the family member's serious health condition.
 4. For a leave to a qualifying exigency, a copy of the military member's active duty orders and certification with appropriate facts concerning the particular exigency, including contact information if the leave involves a meeting with a third party.
 3. For a leave to care for a service member with a serious injury or illness, written certification by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the family.
 4. Second and third opinions and recertification are not permitted for Military Caregiver Leave or Exigency Leave.
 7. For leaves for the employee's own serious health condition or the serious health condition of the employee's covered family member that last more than one year, WCGME may request new medical certifications.
 8. Other information that WCGME may reasonably require.
- F. A foreseeable leave will be subject to conditional approval upon submission of a completed leave application subject to verification of eligibility requirements, timely receipt (defined as 30 days) of any documentation requested and determination that such documentation is sufficient. Upon verification and receipt of requested, sufficient documentation, WCGME will notify the employee of final approval of the leave. If the employee does not receive final approval, WCGME will notify the employee of denial of the leave and reason for the denial. **It is the employee's responsibility to follow-up** with WCGME regarding approval or denial of the leave in the event the employee does not receive any notification from WCGME.
- G. Only a health care provider or WCGME's COO may be used to authenticate or clarify medical certification or serious injury or illness or an ITO or ITA. For Qualifying Exigency Leave, WCGME's COO may contact the individual or entity named in the certification to verify the existence and nature of the meeting. If clarification is needed, WCGME's COO should first notify the employee and give him or her a

reasonable opportunity to correct the deficiency, defined as at least seven calendar days unless that is not practicable despite the employee's diligent good faith efforts.

- H. Unforeseeable leaves will be conditionally approved at the time of the emergency request, subject to verification of eligibility requirements. Final approval will be determined by WCGME's COO following verification of eligibility requirements and timely receipt of sufficient documentation describing the emergency condition and the necessity for leave. Notification of final approval or denial will be given to the employee or his/her representative, via WCGME's COO.
- I. Failure to provide necessary documents in a timely manner may result in postponement, denial or termination of a leave. If medical certification or a fitness for duty certificate is not timely provided by the employee or not produced at all, leave can be delayed or denied or job restoration benefits can be delayed.

6. LEAVE ALLOWANCE:

Employees are entitled to the following leave allowances:

- A. For FML, a maximum of twelve (12) workweeks of leave in a 12-month period, measured backward from the date the requested leave is to begin, subject to the restrictions set forth below;
- B. When both spouses are employed by WCGME:
 - 1. The leave available for the birth or care for newborn, or placement of a child for adoption or foster care or leave available to care for a serious health condition of a parent (not a parent-in-law) will be limited to 12 workweeks between the employees collectively. In this situation the employee with the greater seniority will have first choice as to the amount of leave she or he will take, and the balance will be available for the other spouse, if eligible.
 - 2. The leave available for a serious health condition of the employee, his/her child, or spouse, will be 12 workweeks less his/her individual portion of any leave taken above.
 - 3. In no event will either employee be entitled to more than 12 workweeks of leave in a 12 month period, measured backward from the date the requested leave is to begin, for all FML circumstances combined.
- C. For a Qualifying Exigency, a maximum of twelve (12) workweeks of leave in a 12-month period, as measured according to Section 4 (J).
- D. For Military Caregiver Leave, a maximum of twenty-six (26) workweeks of leave in a single 12-month period as defined in Section 4 (J).

- E. Intermittent or Reduced Leave Schedule may be taken for a serious health condition of a parent or child, for the employee's own serious health condition, including prenatal examinations, or for periods of severe morning sickness, a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically or for a qualifying exigency. When leave is taken after the birth of a healthy child or placement with the employee of a healthy child for adoption or foster care, intermittent or reduced schedule leave may only be taken if the WCGME COO agrees.

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 benefits. The scheduling of an intermittent or reduced leave schedule will not be allowed for any time less than the shortest increment to record hours worked on the payroll.

7. SCHEDULING OF LEAVES:

Leaves are subject to the following scheduling requirements;

- A. A leave for the birth or care for a newborn child must be taken and concluded during 12-month period following the date of the child's birth. An expectant mother may take leave before the birth for prenatal care or if her condition makes her unable to work.
- B. A leave to care for an adopted or foster child must be taken and concluded during the 12-month period following the date the child is placed with the employee, unless an absence from work is required for the placement to proceed (e.g. required counseling sessions, appearances in court, consultations with an attorney or with the physician representing the birth parent, etc.).
- C. A leave to care for a newborn, adopted or foster child must be taken on a continuous basis.
- D. A leave occasioned by the employee's own serious health condition or to care for a child, spouse or parent who has a serious health condition must be taken on a continuous basis unless it is medically necessary to take such leave on an intermittent basis (non-continuous) or reduced leave basis (reduction in the employee's usual number of hours per workweek or hours per workday), in which case the leave must be supported by certification from the health care provider of the individual with the serious health condition.
- E. If an intermittent or reduced leave schedule is requested for a purpose set forth above in paragraph D and is because of foreseeable and planned medical treatment, WCGME may require the employee to temporarily transfer to an available alternative position for which the employee is qualified, provided such position has equivalent

pay and benefits and better accommodates recurring periods of absences than the employee's regular job.

8. LEAVE-COMPENSATED OR UNCOMPENSATED:

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 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 toward the employee's available 12 weeks of family leave.

Any leave may be automatically converted to unpaid status if the employee fails to provide the WCGME requested documentation related to the leave.

9. STATUS OF EMPLOYEE BENEFITS DURING LEAVE OF ABSENCE:

Health Insurance:

Group health insurance care coverage will continue for employees on leave as if they were still working. WCGME will continue to provide health insurance at its cost.

10. RETURN TO WORK:

Employees who have taken FML are subject to the following reinstatement conditions:

- A. An employee whose leave is for a reason other than his/her own serious health condition will be restored to his/her previous job and rate of pay or an equivalent job if he/she returns to work upon expiration of the approved leave period.
- B. An employee whose leave is occasioned by his/her own serious health condition that required an absence of five working days or more, will not be allowed to return to work unless he/she provides WCGME with adequate documentation from his/her health care provider that he/she is able to return to work (with or without restrictions). A Fitness-for Duty Certificate from the employee's health care provider must certify that the employee is able to resume work and specifically address the employee's ability to perform the essential functions of the employee's job. The health care provider will be provided with the Fitness-for Duty Certificate together with a copy of the employee's job description. The employee will be responsible for getting these forms to his/her health care provider. The employee will be responsible for the cost of the certification unless this requirement is prohibited by another state or federal

law. The employee will not be entitled to be paid for the time or travel costs spent in acquiring the certification. The form is available from the WCGME office.

1. Without restrictions: he/she will be restored to his/her previous job and rate of pay or an equivalent job if he/she returns to work upon expiration of the approved leave period.
2. With restrictions: he/she will follow restrictions provided in the doctor's certification. WCGME will try to accommodate the employee by reviewing existing open positions. He or she must be able to perform the essential functions of a position for job placement.

C. Failure to comply with these conditions will result in the postponement or denial of reinstatement.

11. PROCEDURES:

Request Form

A request for Family and Medical Leave of Absence form must be filled out in duplicate by the employee. This form must be completed in detail, signed by the employee, submitted to the Program Director for proper approvals, and forwarded to the Chief Operating Officer. The forms are available from the Chief Operating Officer. It is the employee's responsibility to obtain the forms. If possible, the forms should be submitted 30 days before the effective date of the leave.

Notification of Eligibility and Employee's Rights and Responsibilities

The employee will be notified of his/her eligibility for leave within five (5) business days of WCGME's receipt of the request or its knowledge that the leave may qualify under this policy. This notice will include the employee's requirement to substitute paid leave and the amount of time leave will be paid under other WCGME policies. The requirements of recertification and Fitness-for Duty Certificates upon return from leave and other information is required to be included in this notice.

Periodic Recertification/Intention to Return to Work/Return to Work

WCGME may require an employee on FML leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition only if leave is taken for the employee's own serious health condition. These requests will be made by WCGME in writing to the employee and mailed to the employee at his/her last known address.

An employee taking leave due to the employee's serious health condition will be required to obtain certification that the employee is able to resume work prior to the return from any FML leave.

Employees who return to work from family leave of absence within or on the business day following the expiration of the 12 weeks are entitled to return to their job or the equivalent position without loss of benefits or pay.

All forms referenced in this policy are available in the WCGME office.