

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 1 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

SCOPE: All Company-affiliated employers, including, but not limited to, hospitals, ambulatory surgery centers, outpatient imaging centers, physician practices, HealthTrust Workforce Solutions, Corporate Departments, Groups, and Divisions (collectively, “Affiliated Employers” and individually, “Affiliated Employer”).

TABLE OF CONTENTS:

PURPOSE 1

DEFINITIONS 1

I. RESPONSIBILITIES AND GENERAL CONSIDERATIONS 3

I. FAMILY AND MEDICAL LEAVE 5

II. INTERMITTENT FAMILY AND MEDICAL LEAVE 8

III. FAMILY AND MEDICAL LEAVE – MILITARY FAMILY QUALIFYING EXIGENCIES 9

IV. FAMILY AND MEDICAL LEAVE – MILITARY CAREGIVER LEAVE 10

V. OTHER FAMILY AND MEDICAL LEAVE CONSIDERATIONS 11

VI. GENERAL MEDICAL LEAVE..... 12

VII. PERSONAL LEAVE 14

VIII. MILITARY LEAVE..... 14

IX. ACTIVE DUTY MILITARY LEAVE – SUPPLEMENTAL PAY AND BENEFITS..... 15

X. EDUCATIONAL LEAVE 16

PURPOSE: To provide guidelines on eligibility, duration, documentation, and reinstatement stipulations for leaves of absence provided by the Affiliated Employer; guidelines may vary by leave type and federal/state regulation.

- DEFINITIONS:**
- Leave of Absence:** A leave of absence is an approved absence from work for a specified period of time. For employees working in a location where state law provides for a leave in excess of that provided by federal law, state law will apply. Click this link for a list of [State Leave Laws](#).
 - Reduced Schedule Leave:** For the purposes of Family and Medical Leave, a reduced schedule leave is a leave that reduces an employee’s number of scheduled working hours per day or per week.

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 2 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

3. **Disability:** A disability is a physical or mental impairment that substantially limits a major life activity; reference Americans with Disabilities Act, as amended (ADA).
4. **Incapable of Self-Care:** For the purposes of Family and Medical Leave, incapable of self-care occurs when an adult son or daughter requires active assistance or supervision to provide daily self-care in three (3) or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living; reference Family and Medical Leave Act, as amended (FMLA).
5. **Time Away From Work Service Center:** The acting agent of the Human Resources Department responsible for administering leaves of absence under this policy. The Time Away From Work Service Center can be reached by calling (855) 858-7557 or by clicking the Time Away From Work link on HCAhrAnswers.com or HCAREwards.com. Hereinafter referred to as “TAFW Service Center”.
6. **Serious Health Condition:** For the purposes of Family and Medical Leave, a serious health condition as defined for family medical leave is an illness, injury, impairment or physical or mental condition that involves either:
 7. Any period of incapacity or treatment connected with inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or
 - a. Continuing treatment by a health care provider which includes any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) due to:
 - i. A health condition (including treatment therefore, or recovery therefrom) lasting more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:
 - ii. One (1) in-person treatment within seven (7) days of the first day of incapacity and one (1) or more in-person treatments within the first thirty (30) days of the first day of incapacity, absent extenuating circumstances, by or under the supervision of a health care provider; or
 - iii. One (1) in-person treatment by a health care provider within the first seven (7) days of the first day of incapacity followed by a regimen of continuing treatment under the supervision of the health care provider;
 - b. Any period of incapacity due to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.
 - c. A chronic serious health condition that continues over an extended period of time, requires periodic visits (defined as at least twice a year) to a health care provider, and may involve occasional episodes of incapacity (*e.g.*, asthma, diabetes). A visit to a health care provider is not necessary for each absence.
 - d. A permanent long-term condition for which treatment may not be effective (*e.g.*, Alzheimer’s, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment.

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 3 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

- e. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity for more than three days if not treated (e.g., chemotherapy or radiation treatments for cancer).

8. Qualifying Exigency: For the purposes of Family and Medical Leave, a qualifying exigency includes:

- a. Short-notice deployment (call or order seven (7) calendar days or less prior to deployment);
- b. Military events or related activities (e.g., ceremonies, programs or events sponsored by the military, or family support);
- c. Childcare and school activities for the child of the military member (e.g., enrolling or transferring a child to a new school or day care facility);
- d. Making or updating financial and legal arrangements (e.g., power of attorney or will);
- e. Counseling (the need for which arises from the active duty or call to active duty status);
- f. Rest and recuperation (up to fifteen (15) days to spend with military member on short-term leave during deployment);
- g. Post-deployment activities (attending arrival ceremonies, reintegration briefings and other official ceremonies or programs sponsored by the military for a period of 90 days following termination of active duty status, and addressing issues arising from the death of the covered service member);
- h. Additional activities agreed to by both Affiliated Employer and employee which arise out of the active duty or call to active duty;
- i. Leave to care for the parent of a military member, or someone who stood in loco parentis to the military member, when the parent is incapable of self-care and the need for leave arises out of the military member's covered active duty or call to covered active duty status. Such care may include attending meetings with staff at a care facility, arranging for alternative care, providing care on an immediate need basis, or admitting or transferring the parent to a care facility.

I. RESPONSIBILITIES AND GENERAL CONSIDERATIONS:

- a. Access and Company Property: The Affiliated Employer, through its Human Resources, Information Protection & Security, and Risk Management functions, should consider use of reasonable precautions to protect our patients, people, systems, and facilities while an employee is on a leave of absence. When determining whether it is appropriate to suspend physical/system access or recover company property during a leave, the Affiliated Employer should consider multiple factors. These should include, among other factors, the nature of the leave, the length of the leave, the employee's position within the organization, and the potential business need for access while on leave (e.g., it may be appropriate for exempt

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 4 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

individuals who are in leadership positions to remain in occasional contact during a leave, while it would typically be inappropriate for non-exempt staff to do so). The following forms of access should be evaluated: badge access to facility and/or restricted areas; access to company network; e-mail accounts that may also be available on a personal mobile device; access to medical records and/or clinical or financial systems; Pyxis, etc. The Affiliated Employer should also consider retrieving company property that may include phones, laptops, keys, and credit card. In extenuating situations, additional precautions may be required and necessitate coordination with ITG service desk, security guards, etc. to prevent the employee from requesting restoration of system access and/or a temporary badge while on leave. Any restrictions should be communicated to the employee prior to leave commencing.

b. Working While on Leave

- i. Employees who are approved for leave or who, while on leave, obtain outside employment, must review any outside employment with Human Resources. Outside employment while on an approved leave of absence, including FMLA leaves of absence, must be evaluated by Human Resources in order to determine whether the outside employment is inconsistent with the work restrictions necessitating the leave of absence. To determine whether the outside employment is inconsistent with the work restrictions, Human Resources should review, among other factors, the reasons for the leave, the work restrictions, and the nature of the work to be performed while on leave. This applies to all forms of employment, including employment entered into by the employee prior to the leave of absence.
- ii. Failure to comply with this policy may result in disciplinary action up to and including termination of employment; reference Discipline, Counseling, and Corrective Action Policy, HR.ER.008.

c. Compensation and Benefit Guidelines While on Leave (Other Than Active Duty)

- i. The effective date of an approved change to an employee's rate of compensation is not affected by Leave of Absence.
- ii. An employee on an approved leave of absence may continue group insurance coverages during the leave (not to exceed six months). During the first six months an employee is out on leave, the Affiliated Employer or its designated agent will direct bill the employee each month for the employee's portion of their health and group benefit premiums. Employees are responsible for paying the employee

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 5 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

portion of the premiums directly to the Affiliated Employer or its designated agent. An employee's health and group benefits will be terminated when they have been out on leave for six months, at which point the employee will be given the opportunity to enroll in COBRA coverage.

- d. Other Offerings: For details surrounding other programs such as Short Term Disability, Paid Family Leave, Bereavement Leave, etc., please consult those policies or plan documents. See, Short Term Disability Benefits, available at HCAhrAnswers.com; Paid Family Leave, HR.TR.026; Bereavement, HR.TR.001.

II. FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) provides that eligible employees are entitled to a total of twelve (12) work weeks of unpaid leave during a backwards-rolling twelve (12)-month period for qualifying reasons. An employee who is not eligible for FMLA leave at the beginning of the employee's leave of absence may begin FMLA leave once the employee meets the eligibility requirements.

- a. Eligibility: An eligible employee is one who has been employed for at least twelve (12) months, has at least 1,250 hours of service during the twelve (12)-month period immediately preceding the date of the requested leave, is employed at a worksite where 50 or more employees are employed by the Affiliated Employer within 75 miles of that worksite, and who expresses an intent to return to work after the leave. Eligible employees will be granted leave for any one or more of the following reasons:
 - i. The birth of a child, and to care for the newborn child;
 - ii. The placement with the employee of a child for adoption or foster care;
 - iii. To care for the employee's spouse, child, or parent with a serious health condition (*see Definitions*);
 - iv. A serious health condition that makes the employee unable to perform the functions of the employee's job.
- b. Approval: Employees must request Family Medical Leave through the TAFW Service Center and notify their supervisor. Leave requests will be approved by the TAFW Service Center if the employee meets all eligibility criteria set forth by the FMLA:
 - i. An employee desiring to take FMLA must give at least 30 days advance notice prior to commencement of leave, if the need for leave is foreseeable. When planning medical treatment, an employee must consult with the TAFW Service Center and the Affiliated Employer and make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations, subject to the approval of the health care provider. If the need for leave was not foreseeable,

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 6 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

and/or 30 days is not possible, the employee must give as much notice as is practicable under the circumstances. The employee should give at least verbal notification to the TAFW Service Center and the Affiliated Employer as soon as practicable after the need for leave becomes known. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, it should generally be practicable for the employee to provide notice of the need for leave either the same day or the next business day.

- ii. An employee must provide sufficient information to determine if the leave qualifies for FMLA protection and the anticipated timing and duration of the leave. For example, if the employee is taking leave for his or her own serious health condition, the employee must provide sufficient information to indicate that a condition renders the employee unable to perform the functions of the job, or, if the leave is for a family member, that the condition renders the family member unable to perform daily activities. An employee should also provide information if the requested leave is for a reason for which FMLA leave was previously taken or certified. Simply calling in sick without providing more information is not sufficient notification of the need for FMLA leave. When an employee does not comply with usual notice and procedural requirements for notification of an absence and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.
- c. Duration: Time off for FMLA should not exceed a total of twelve (12) weeks unless otherwise indicated by state and federal law.
- d. Documentation: When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a certification from the health care provider will be required. Second or third opinions may also be required at the Affiliated Employer's expense. It is the employee's responsibility to return both the health care provider certification as well as the Leave of Absence Request form within twenty (20) days of receipt of the form. Failure to respond to the initial request for health care provider certification or the Leave of Absence Request form within twenty (20) calendar days of the request or within 12 calendar days of a request for clarification may result in the leave being denied or postponed.

Subsequent re-certifications may also be requested of the employee at periodic intervals which are no more often than the minimum duration of the period of incapacity specified on the health care provider's certification or every thirty (30) days, whichever is greater, in order to update the leave record and justify the continuation of the leave. Re-certification requests must be in connection with an

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 7 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

absence by the employee unless circumstances described by the previous certification have changed significantly, information is received casting doubt upon the employee's stated reason for absence, or the employee requests an extension of the leave. Failure to comply with the requests for re-certification may result in the leave being cancelled. A new certification may be required twelve (12) or more months following certification if leave is requested for the same serious health condition.

Documents relating to any medical certification, recertification, or medical history are confidential and are to be maintained in separate files in accordance with any applicable requirements of the ADA and/or Genetic Information Nondiscrimination Act.

- e. Scheduling of Treatment: When planning medical treatment for which FMLA leave is foreseeable, and subject to the approval of the employee's health care provider, the employee should consult with the TAFW Service Center and the Affiliated Employer and make every reasonable effort to schedule FMLA leave to avoid undue disruption to business operations. This ordinarily should occur prior to scheduling treatment so that a mutually agreed upon treatment schedule, which best suits the needs of both the employee and the Affiliated Employer, may be established.
- f. Reinstatement: Reinstatement upon completion of FMLA leave is granted in accordance with FMLA. A fitness for duty statement or health care provider's release to return to work will be required if the employee is on leave for eight (8) or more days due to the serious health condition of the employee. An employee will not be allowed to return to work without the proper documentation from the health care provider or a fitness for duty certification and must follow facility procedures, including providing release to Employee Health, where applicable.

An employee should provide periodic reports concerning intent to return to work. An employee should give at least a two (2)-day notice of intent to return to work earlier than anticipated. An eligible employee who returns from an approved FMLA leave will be reinstated to his/her former position, or to an equivalent position with equivalent pay, benefits, and working conditions. The employee is not entitled to any lesser or greater right to be restored to the employee's position, or an equivalent position, than the right the employee otherwise would have had if FMLA had not been taken (e.g., position has been eliminated as a result of a reduction in force or organizational redesign).

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 8 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

Reinstatement may not always be possible for certain salaried "key employees." If the Affiliated Employer determines that reinstatement of a "key employee" would cause substantial and grievous economic injury to the operations of the Affiliated Employer, reinstatement may be denied.

If an Affiliated Employer believes that reinstatement may be denied to a key employee, written notice must be given to the employee at the time the employee provides notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that the employee qualifies as a key employee. At the same time, the Affiliated Employer must inform the key employee of potential consequences regarding reinstatement and maintenance of health benefits if the Affiliated Employer should determine to deny reinstatement. If such notice cannot be given immediately, because of the Affiliated Employer's need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier).

- g. Interactive Process: It is the responsibility of the employee to provide notice to Human Resources or the Affiliated Employer's acting agent (e.g., TAFW) that an accommodation is needed for a disability. In the event that the employee shares this information with the TAFW Service Center, the TAFW Service Center will contact the Affiliated Employer's Human Resources Department, which will engage with the employee in the interactive process under the ADA, including determining whether the employee has a disability and evaluating, considering and selecting reasonable accommodation(s) absent undue hardship. If a manager believes that an employee may be disabled under the ADA, the manager is directed to consult with Human Resources to initiate the process under the ADA.

III. INTERMITTENT FAMILY AND MEDICAL LEAVE

- a. Availability: FMLA need not always be taken in one continuous leave period. Leave may be taken "intermittently" or on a "reduced schedule" (See *Definitions*) basis under certain circumstances. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time. Intermittent FMLA will be approved by the TAFW Service Center based on the submitted certification of the health care provider. Intermittent FMLA leave may be approved for a period of up to one year, but the leave must be recertified if intermittent FMLA time is used more than six (6) months after initial certification.
 - i. Intermittent FMLA absences must be reported to the TAFW Service Center within 48 hours of the scheduled shifts. The employee must also report such absences to the employee's supervisor in accordance with the facility's policy. Failure to

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 9 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

follow the facility's policy on notification and documentation may result in discipline.

- ii. Intermittent FMLA time may be used in increments as small as fifteen (15)-minutes.
 - iii. The TAFW Service Center will keep track of the employee's utilized intermittent FMLA time and will monitor the frequency and duration of the employee's absences. If absences are falling outside of the approved frequency and/or duration, the TAFW Service Center may require recertification of the leave.
- b. Intermittent Leave for Bonding: Intermittent or reduced schedule leave to care for or bond with a healthy newborn child or newly placed adopted or foster child may be approved by the employee's manager and Human Resources if business needs permit.

IV. FAMILY AND MEDICAL LEAVE – MILITARY FAMILY QUALIFYING EXIGENCIES

- a. Eligibility: An FMLA-eligible employee is entitled to take leave due to a “qualifying exigency” because the employee’s spouse, child or parent is a covered military member on covered active duty. Qualifying exigency leave may also be taken on an intermittent or reduced leave schedule basis (see *Definitions*). The scope of this leave includes service members in the Regular Armed Forces deployed to a foreign country. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), covered active duty is duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.

Under the FMLA for qualifying exigency leave, a “son or daughter on active duty or call to active duty status” means the employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or called to active duty status, and who is of any age; a “parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee. This term does not include parents “in law.”

An eligible employee is one who has been employed for at least twelve (12) months, has at least 1,250 hours of service during the twelve (12) month period immediately preceding the date of the requested leave, is employed at a worksite where 50 or more employees are employed by the Affiliated Employer within 75 miles of that worksite, and who experiences a qualifying exigency arising out of the occasion that

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 10 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

the employee’s spouse, child, or parent is a covered military member on or called to covered active duty.

- b. Approval: Employees are requested to notify their managers and the TAFW Service Center for leave approval as soon as they are aware of the need.
- c. Duration: The leave should not exceed a total of twelve (12) work weeks in a twelve (12)-month period.
- d. Documentation: A certification form will be required to support the request for FMLA- Qualifying Exigencies leave. Second or third opinions and re-certifications are not permitted.
- e. Reinstatement: Reinstatement from FMLA-Qualifying Exigencies leave shall be granted in accordance with state and federal law.

V. FAMILY AND MEDICAL LEAVE – MILITARY CAREGIVER LEAVE

- a. Eligibility and Definitions: An FMLA-eligible employee is entitled to take leave to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, child, parent, or next of kin.

An eligible employee is one who has been employed for at least twelve (12) months, has at least 1,250 hours of service during the twelve (12)-month period immediately preceding the date of the requested leave, is employed at a worksite where 50 or more employees are employed by the Affiliated Employer within 75 miles of that worksite, and who experiences a need to care for a covered service member or covered veteran with a serious injury or illness if the eligible employee is the service member’s spouse, child, parent, or next of kin.

A “covered service member” is defined as a current member of the Armed Forces (including National Guard or Reserves) who is receiving medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness that is incurred in the line of duty on active duty and that may cause the service member to be medically unfit to perform his or her duties.

A “covered veteran” is an individual undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Regular Armed Forces (including National Guard or Reserves) before being discharged or released under conditions other than dishonorable at any time during the five (5)-year period

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 11 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

prior to the first date that the eligible employee takes FMLA leave to care for the covered veteran.

The definition of serious injury or illness for purposes of FMLA-Military Caregiver leave includes current service member's pre-existing injuries or illnesses that have been aggravated in the line of active duty.

Next of kin for purposes of FMLA-Military Caregiver leave is defined as the service member's nearest blood relative (aside from those individuals already named). Although the regulations prioritize who is next of kin, a covered service member may designate another blood relative as his or her nearest blood relative.

- b. Approval: Employees are requested to notify their managers and the TAFW Service Center for leave approval as soon as they are aware of the need.
- c. Duration: The leave may not exceed a total of 26 work weeks within any single forward-looking 12-month period. The leave year is based on a single twelve (12)-month period and begins with the first day the employee takes leave. An eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious injury or illness. However, no more than 26 work weeks of leave for any FMLA-qualifying reason may be taken within any single twelve (12)-month period.
- d. Documentation: A certification form will be required to support the request for FMLA-Military Caregiver leave. Second or third opinions and re-certifications are not permitted.
- e. Reinstatement: Reinstatement from FMLA-Military Caregiver leave shall be granted in accordance with state and federal law.

VI. OTHER FAMILY AND MEDICAL LEAVE CONSIDERATIONS

- a. Employment periods prior to a break in service of seven (7) years or more will only be counted in limited circumstances (*i.e.*, breaks covered by USERRA, 38 U.S.C. § 4301, *et seq.*, or where the agreement to count such periods is specifically required by a written agreement). Otherwise, employment periods prior to a break in service of seven (7) years or more will not be counted in determining whether the employee has been employed for at least twelve (12) months. This applies for all uses of FMLA including military-related FMLA usage.

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 12 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

- b. Leave for birth or placement of child for adoption or foster care must be taken within twelve (12) months of birth or placement. When both spouses are employed by the same Affiliated Employer they are limited to a combined total of twelve (12) work weeks during a backwards rolling twelve (12)-month period if leave is taken for birth or placement of a child for adoption or foster care.
- c. An employee who has been on leave for his or her own serious health condition and is unable to return to work after twelve (12) work weeks of FMLA may be placed on a General Medical Leave.

VII. GENERAL MEDICAL LEAVE

General Medical Leave provides unpaid leave for an employee's own serious health condition in situations where the employee does not meet the eligibility requirements for Family Medical Leave or has exhausted Family Medical Leave. This can include leave for workers' compensation injuries, leave as a reasonable accommodation under the ADA, and leave granted under other applicable local or state statutes.

- a. Eligibility: A medical leave of absence may be granted to a full-time or part-time employee. There is no minimum service requirement for eligibility for a General Medical Leave of Absence.
- b. Approval: An employee must request General Medical Leave through the TAFW Service Center. Leave request may be approved by the TAFW Service Center by considering all of the circumstances, including the reason for the leave, the health care provider's certification and other medical documentation, and the expected return to work date. In the event an employee requests General Medical Leave as a reasonable accommodation beyond six (6) months' leave, such requests will require the approval of the facility's Human Resources Department.
- c. Duration: The duration of General Medical Leave is fact-specific and based on the reason the leave is necessary. Typically, the maximum duration of General Medical Leave is six (6) months, inclusive of time spent on an approved leave under the Family Medical Leave Act. Human Resources shall review requests for extension of General Medical Leave beyond six (6) months. Extension of General Medical Leave should be considered as a reasonable accommodation under the ADA.
- d. Documentation: A health care provider's certification will be required for any approved General Medical Leave. An Affiliated Employer or acting agent (e.g., TAFW) reserves the right to require proof or medical verification of an employee's ability or inability to work or need for accommodation. Such proof or verification may

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 13 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

include periodic reports from, or consultation with, the employee's health care provider or, in the case of second or third medical opinions, examination of the employee at the Affiliated Employer's expense by a health care provider selected by the Affiliated Employer. Failure to respond to the initial request for medical verification within twenty (20) calendar days of the request or within twelve (12) calendar days of a request for clarification may result in the leave not being approved or extended.

An Affiliated Employer or acting agent may require an employee, at the Affiliated Employer's expense, to obtain a second medical opinion. The Affiliated Employer or acting agent in such cases will designate the health care provider to furnish the second opinion. If the first and second opinions differ, the Affiliated Employer or acting agent may require the employee to obtain a medical opinion from a third health care provider, at the Affiliated Employer's expense. The third health care provider will be jointly selected by the Affiliated Employer or acting agent and the employee. The third opinion is final and binding.

- e. Interactive Process: It is the responsibility of the employee to provide notice to Human Resources or the Affiliated Employer's acting agent (e.g., TAFW) that an accommodation is needed for a disability. In the event that the employee shares this information with TAFW, the TAFW Service Center will contact the Affiliated Employer's Human Resources Department, which will engage with the employee in the interactive process under the ADA, including determining whether the employee has a disability and evaluating, considering and selecting reasonable accommodation(s) absent undue hardship. If a manager knows of an employee's disability and need for accommodation, the manager is directed to consult with Human Resources to initiate the interactive process under the ADA.
- f. Reinstatement: Reinstatement upon completion of General Medical Leave will be in compliance with the applicable law, including the ADA. An employee who is on General Medical Leave must provide notification of availability to return to work immediately upon being released by the employee's health care provider. A fitness for duty statement or health care provider's written release to return to work will be required if the employee is on leave for eight (8) or more days. An employee will not be allowed to return to work without the proper documentation from the health care provider or a fitness for duty certification and must follow facility procedures for returning from work, including reporting to the Employee Health department, where applicable, prior to returning, where applicable. Reinstatement at the conclusion of a General Medical Leave is not guaranteed unless required by law. An employee who desires to return from General Medical Leave of Absence prior to the anticipated

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 14 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

return date must request management approval to be added to the work schedule in compliance with the Scheduling Policy, HR.ER.023.

VIII. PERSONAL LEAVE

An unpaid Personal Leave of Absence may be approved for a variety of reasons not otherwise covered by this policy. Emergencies or extenuating circumstances that could qualify for a Personal Leave of Absence include, but are not limited to, divorce, death of a family member, personal crisis, or leaves that are otherwise not covered by state or federal laws or General Medical Leave. An Affiliated Employer may allow an employee personal leave for situations approved by management and Human Resources. Personal Leave should not be used for an employee's own serious health condition; *reference* General Medical Leave.

- a. Eligibility: An approved Personal Leave of Absence may be granted to regular full-time or part-time employees. There is no minimum service requirement for eligibility for a Personal Leave of Absence.
- b. Approval: Approval may be granted by the Affiliated Employer based on consideration of all circumstances. Personal Leaves of Absences will not be approved without Human Resources approval.
- c. Duration: Personal Leave of Absence should not exceed six (6) months.
- d. Documentation: Approval of Personal Leave of Absence should be documented through TAFW.
- e. Reinstatement: Reinstatement at the conclusion of the leave is not guaranteed. An employee who desires to return from Personal Leave of Absence prior to the anticipated return date must request management approval to be added to the work schedule in compliance with the Scheduling Policy, HR.ER.023.

IX. MILITARY LEAVE

This policy is in compliance with the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 and the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 under which, service as an appointee when the Secretary of Health and Human Services activates the National Disaster Medical System shall be deemed 'service in the uniformed services' for purposes of Chapter 43 of Title 38, United States Code (USERRA).

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 15 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

- a. Eligibility: All classifications of employees (Full Time, Part Time, PRN, and Temporary) are eligible for a leave of absence for military service. All employees who have been absent from a position of employment on account of military duty in the “uniformed services,” which includes: USA, USMC, USN, USAF, USCG, the Reserves of each respective branch of the armed forces, National Guard, Commissioned Corps of the Public Health Services, National Disaster Medical System, and any other category of persons designated by the President in the time of war or emergency. Service includes active duty, training, and funeral honors duty by the National Guard or reserve members. Approval: An employee must provide advance written or verbal notice of all military duty, unless giving notice is impossible, unreasonable, or precluded by military necessity, to the TAFW Service Center and to their immediate supervisor.
 - b. Duration: Leave will be granted for the period of military service as limited by the provisions of USERRA.
 - c. Pay and PTO: Exempt employees who work any part of a work week and then reports for duty are entitled to be paid for the entire work week. Employees on a military leave of absence will be granted, upon request, approval to use accrued and unused PTO during the period of military leave.
 - d. Documentation: Following periods of military service of 31 days or more, the returning employee must provide documentation that establishes length and character of the service and the timeliness of the application for reemployment.
 - e. Reinstatement: Employees will be reemployed or reinstated as required by law if the returning employee: 1) provides the Affiliated Employer with advance written or verbal notice of the employee’s service; 2) has five (5) years or less of cumulative service in the uniformed services while with the Affiliated Employer or falls within an exception to the five year rule; 3) returns to work or applies for reemployment in a timely manner after conclusion service as defined by USERRA; and 4) has not been separated from service with a disqualifying discharge or under other than honorable conditions. Employees eligible for reemployment or reinstatement will be restored to the position and benefits they would have attained if they had not been absent due to military service or, in some cases, a comparable position. Reinstatement will be granted in accordance with state and federal law.
- X. ACTIVE DUTY MILITARY LEAVE – SUPPLEMENTAL PAY AND BENEFITS**
Beyond the scope of USERRA, for employees called to active military duty or service as an intermittent disaster response appointee, it is the intent of this policy to supplement

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 16 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

missed compensation in circumstances where normal pay is greater than military or National Disaster Medical System pay while on active duty, including basic training in preparation for active duty assignment. Active Duty Military Leave Supplemental Pay is not available for other routine training (e.g., annual National Guard or Reserves training, etc.).

Regular Full Time and Regular Part Time employees who have served with Activation Orders to report to active duty within their component (USA, USMC, USN, USAF, USCG, National Disaster Medical System, etc.) may be eligible for supplemental payments up to \$9,615 biweekly or \$20,833 monthly calculated based on the difference between the employee's gross regular pay at the time of activation and his/her gross pay from the military or National Disaster Medical System. Regular gross pay will be based on the employees' scheduled hours and shifts at time of activation. Overtime hours are not included in the calculations; only regular hours, shift differentials, and any applicable other premium pay such as certification differentials, are to be included. Temporary and PRN employees are not eligible.

Employees who are receiving Active Duty Military Leave Supplemental Pay may cash in unused Paid Time Off (PTO) hours consistent with the employee's applicable PTO plan. Employees may not use PTO hours as 100% pay replacement hours while receiving Active Duty Military Leave Supplemental Pay.

See [Active Duty Leave of Absence Continuation of Benefits document](#) on the Company's Intranet for general guidance for benefits continuation while on active duty leave.

XI. EDUCATIONAL LEAVE

Consideration will be given to an employee requesting an unpaid leave of absence to continue the employee's education if the employee has expressed full intention of returning to employment.

a. **Eligibility:** Full-time regular employees with at least twelve (12) months of continuous service who seek to enroll as full-time students in a course of study that would otherwise conflict with their normal work schedule. Enrollment in part-time, night or weekend courses will not support eligibility.

b. **Approval:** Approval for an educational leave is based on the needs of the Affiliated Employer and the appropriateness of the course of study to operations. Educational Leave is approved at the discretion of the employee's supervisor and their facility's Human Resources Department.

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Leaves of Absence
PAGE: 17 of 17	REPLACES POLICY DATED: 4/1/98, 6/30/02, 12/15/02, 3/15/03, 9/1/05, 11/1/05, 8/1/07, 12/1/07, 8/1/08, 4/1/09, 11/1/09, 1/1/10, 5/15/10, 10/16/10, 9/1/11, 9/1/12, 11/1/12, 11/15/13, 5/1/15, 2/1/16, 5/1/17, 1/1/18
EFFECTIVE DATE: February 1, 2020	REFERENCE NUMBER: HR.TR.004 (formerly HR.OP.018 and HR.203)
APPROVED BY: Ethics and Compliance Policy Committee	

<p>c. <u>Duration:</u> The leave should not exceed six (6) months.</p> <p>d. <u>Documentation:</u> Employees will be required to provide the dates of the leave requested, the course of study, the educational institution from which the study will take place, and registration confirmation.</p> <p>e. <u>Reinstatement:</u> Reinstatement upon completion of Educational Leave is not guaranteed. An employee who desires to return from educational leave of absence prior to the anticipated return date must request management approval to be added to the work schedule in compliance with the Scheduling Policy, HR.ER.023.</p>
<p>DISCLOSURE: If there is any conflict between the information in this policy and a Collective Bargaining Agreement (CBA), the CBA prevails for covered employees.</p>
<p>REFERENCED POLICIES¹:</p> <ol style="list-style-type: none"> 1. Active Duty Leave of Absence Continuation of Benefits document 2. Promotion/Demotion Policy, HR.TA.002 3. Recruitment Policy, HR.TA.003 4. Employment Policy, HR.TA.001 5. Background Investigations Policy, HR.ER.002 6. Paid Time Off Policy, HR.TR.007, or local PTO policy HR.TR.XXX 7. Discipline, Counseling, and Corrective Action Policy, HR.ER.008 8. Scheduling Policy, HR.ER.023
<p>WORK INSTRUCTIONS:</p>
<p>PROCESS MAPS:</p> <ol style="list-style-type: none"> 1. To be completed at a later date

¹ For the most recent version of referenced Human Resources policies, please visit HCAhrAnswers.com.
12/2019