

## **Family and Medical Leave Act**

- A. **POLICY:** It is the policy of the University of Virginia Physicians Group (UPG) to comply with the Family and Medical Leave Act.
- B. **PROCEDURE:**

### Basic Leave Entitlement

FMLA requires UPG to provide up to 12 weeks of job protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, 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.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies (demands). Qualifying exigencies (demands) may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Eligible employees are permitted to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that renders the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### Eligibility Requirements

A covered employee is one who has been employed by the UPG for at least one year and who has worked at least 1,250 hours during the previous twelve months. For FMLA purposes, one year is defined using a rolling 12 month period. For example, if an employee needs to take medical leave in October, UPG will review the number of FMLA weeks taken since October of the previous year to

determine the remaining number of weeks available. Eligible employees may take the allowed weeks of leave during a rolling 12-month period.

Certain exceptions may apply if the individual is a key employee of the company.

#### Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves any of the following: an overnight stay in a medical care facility; continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Continuing treatment may be met by any of the following: a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a healthcare provider; or one visit to a healthcare provider and a regimen of continuing treatment; or incapacity due to pregnancy; or incapacity due to a chronic condition.

#### Benefits and Protections

Upon return from FMLA leave, the eligible employee must be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms. Use of FMLA cannot result in the loss of any employment benefit that accrued prior to the start of FMLA leave. Health, dental, life, and disability insurance, as applicable according to FMLA and according to the provisions of each benefit plan, will continue during the course of the approved FMLA leave. Employees must make arrangements with Human Resources to continue to pay the employee's share of the benefit cost. Contributions to the administrative staff retirement plan will continue as long as the employee is in a paid leave status.

If covered, employees on FMLA leave related to their own serious health condition may apply for short-term disability (STD). Employees who qualify for STD will receive pay according to the terms of the plan. For more information, refer to the Short Term Disability policy.

Employees must return to work at the conclusion of FMLA leave. If an employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond the employee's control, and UPG has paid the employee's portion of premiums, UPG may recover from the employee all applicable employee premiums paid on the employee's behalf during the leave.

#### Use of Paid Time Off (PTO)

Employees must use accrued PTO within the parameters of the PTO policy for FMLA absences. Employees on approved FMLA leave and approved STD may use PTO or short term supplemental fund, if available. If PTO is exhausted, the employee will be placed on Leave Without Pay (see Paid Time Off Policy).

FMLA leave can be taken intermittently when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as to not unduly disrupt work. Leave due to qualifying exigencies (demands) may also be taken on an intermittent basis.

Leave taken for the birth, adoption, or foster care placement of a child must be taken within 12 months of the birth or placement. Intermittent leave for such an event is available only at the discretion of the employee's supervisor and Human Resources.

A covered employee will continue to accrue PTO while out on approved FMLA leave in accordance with the PTO Policy.

#### Employee Responsibilities

When absence from work is foreseeable, an employee must provide at least 30 days' notice before taking leave. When a 30 day notice is not possible, the employee must provide notice as soon as practicable and follow normal procedures to notify the supervisor of their absence from work. Employees are responsible for initiating their communication regarding their request for FMLA leave to Principal Absence Management at 877-734-3652.

Employees must provide certification and periodic recertification supporting the need for leave under FMLA by providing one of the following completed forms: Certification of Health Care Provider for Employee's Serious Health Condition; Certification of Health Care Provider for Family Member's Serious Health Condition; Certification for Qualifying Exigency For Military Family Leave; or Certification for Serious Injury or Illness of Covered Service member for Military Family Leave.

Employees must also inform Principal Absence Management if the requested leave is for a reason related to a period of FMLA previously taken or certified.

An employee who chooses not to return to work after a period of FMLA absence must notify his/her supervisor as far in advance as possible. Unless there exist extenuating health reasons proactively discussed with Human Resources, if an employee does not return to work by the leave ending date, the employee will be deemed to have abandoned their position and their employment will be terminated. In such cases, the employee's official last day of work is the day of notice not to return.

Employee must also refer to the UPG Timesheet Policy to ensure compliance for tracking time. Intentional misrepresentation of hours worked or falsification of time sheets is grounds for dismissal.

Employer Responsibilities

Principal Absence Management will provide a Designation Notice to inform employees whether they are eligible for leave under FMLA. If they are, the notice must specify any additional information required, the amount of leave counted against the employees' leave entitlement, and the employees' rights and responsibilities. If the employee is not eligible for FMLA leave, the reason for ineligibility must be stated. Principal Absence Management will require the employee to have a Certification of Health Care Provider form completed. The employee has to return the Certification of Healthcare Provider form to Principal Absence Management as requested and maybe granted additional time to obtain any additional information necessary for Principal Absence Management to determine FMLA eligibility.

UPG or Principal Absence Management can request a second or third medical opinion. If requested, this expense will be paid for by UPG.

C. **CROSS REFERENCED MATERIALS:**

[Short-Term Disability](#)  
[Paid Time Off Policy](#)  
[Time Sheets](#)

D. **FORMS:**

E. **SCOPE:** This policy and procedure gives direction on the UPG's compliance with the Family and Medical Leave Act.

F. **ADMINISTRATION:** This policy and procedure will be administered by Human Resources and Development and will be reviewed on a periodic basis.

G. **DISTRIBUTION:** To all employees.