



POLICY AND PROCEDURE MANUAL

Chapter:	Human Resources		
Title:	Family and Medical Leave (FMLA) Act Policy		
Policy: <input checked="" type="checkbox"/> Procedure: <input type="checkbox"/>	Review Cycle: Triennially Author: HR Specialist	Adopted Date: 09.2023 Review Date: 09.2023	Related Policies: Attendance and Punctuality

Purpose:

Hopeful Horizons (HH) has adopted its Family and Medical Leave policy to comply with federal law and to provide guidance to covered employees.

Scope:

This policy applies to

- All HH Staff Selected HH Staff, as specified:
 HH Board Members HH Volunteers
 Other:

Policy:

Hopeful Horizons complies with the Family and Medical Leave Act (FMLA) and will grant up to 12 weeks of leave (480 hours) during a 12-month period to eligible employees (or up to 26 weeks, 1,040 hours of military caregiver leave).

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Employees are requested to direct questions, concerns or disputes with this policy to Human Resources.

A. **Eligibility:** To be eligible for leave under this policy, employees must meet **all** the following requirements:

- Have worked at least twelve (12) months for Hopeful Horizons
- Have worked at least 1,250 hours for HH over the twelve (12) months preceding the date the leave would commence
- Currently work at a location where there are at least fifty (50) employees within seventy-five (75) miles

Note: The 12 months of employment do not have to be consecutive. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

B. **Reasons for Leave:** To qualify as FMLA leave under this policy, the leave must be for one of the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care
- To care for a spouse, child or parent who has a serious health condition
- For a serious health condition that makes the employee unable to perform the essential functions of their job
- For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or on call to covered active duty status
- To care for a covered service member with a serious injury or illness

- C. Amount of Leave: An eligible employee can take up to 12 weeks (480 hours) of FMLA leave during any 12-month period. HH shall measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, HH shall compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (480 hours) of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks (1,040 hours) for FMLA military caregiver leave during a single 12-month period. For military caregiver leave, HH shall measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Eligible spouses who both work for the organization may only take a combined total of 12 weeks (480 hours) of leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition. Both may only take a combined total of 26 weeks (1,040 hours) of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member). HH shall calculate leave as described in this section and by combining the leave taken by both employees.

- D. Intermittent Leave or a Reduced Work Schedule: Employees may take FMLA leave in one consecutive block of time, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed the total allowable as defined by this policy and the law.

To meet a request for intermittent leave or if a reduced schedule is foreseeable, HH may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption or foster care of a child, HH and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt HHs' operations.

- E. Employee Notice Requirement: All employees requesting FMLA leave must provide verbal or written notice of the need for leave to their supervisor and Human Resources.

When the need for the leave is foreseeable, the employee must provide HH with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave fewer than 30 days in advance, the employee must provide notice of the need for the leave either the same day the need for leave is discovered or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with HHs' usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

Within five business days after the employee has provided this notice, Human Resources shall notify HHS' contracted Human Resource Business Partner's (HRBP) Leaves Administration Team with the employee name, type of leave, and leave dates requested. The Leaves Administration Team shall handle all administration of the FMLA leave (Notice of Eligibility, Medical Certification, FMLA Designation Notice).

- F. Designation of FMLA Leave: The FMLA Designation Notice of FMLA will be provided by HHS' contracted HRBP Leaves Administration Team.
- G. Employee Status and Benefits During Leave: HH shall continue an employee's health benefits during the approved FMLA leave period at the same level and under the same conditions as if the employee was continuously at work.

While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Finance Department by 5th and 20th of each month to coincide with payroll dates. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The organization shall provide 15 days' notification prior to the employee's loss of coverage.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, HH will require the employee to reimburse the organization the amount it paid for the employee's health insurance premium during the leave period.

If the employee contributes to a life insurance or a disability plan, HH shall continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums. If the employee does not continue these payments, HH will discontinue coverage during the leave. The organization shall provide 15 days' notification prior to the employee's loss of coverage.

- H. Use of Paid and Unpaid Leave: An employee who is taking FMLA leave must use all paid vacation and sick leave prior to being eligible for unpaid leave. Use of vacation, sick, or parental leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

An employee who is using military FMLA leave for a qualifying exigency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation and sick leave (as long as the reason for the absence is covered by the HHS' sick leave policy) prior to being eligible for unpaid leave.

- I. Intent to Return to Work from FMLA Leave: On a basis that does not discriminate against an employee on FMLA leave, HH may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.
- J. Employee Status After Leave: An employee who takes leave under this policy shall be required to provide a fitness for duty clearance from a health care provider in advance of returning to work. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, working conditions and other employment

terms. HH may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to the organization. Key employees will be given written notice at the time FMLA leave is requested of their status as a key employee.

Communication and Training:

The Board shall receive a copy of the policy at the time of periodic review and will have an opportunity to ask clarifying questions during the approval process. Employees and volunteers shall receive notice of the Board's policy review and approval including notice of any substantive changes. The notice will provide a link to the policy located on the HH website.

Definitions:

1. **Covered Active Duty:** for members of a regular component of the Armed Forces, means duty during deployment of the member with the Armed Forces to a foreign country. For a member of the Reserve components of the Armed Forces, means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.
2. **Child:** means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.
3. **Human Resource Business Partner (HRBP):** A human resource business partner is an HR professional who uses their experience to help companies and their leadership teams create or evolve their HR departments. HHs uses a Professional Employer Organization (PEO) as our HRBP.
4. **Key Employee:** A **key employee** is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.
5. **Serious Health Condition:** means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term or permanent periods of incapacity.
6. **Spouse:** means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.
7. **Parent:** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents "in law."
8. **Qualifying Exigency:** includes short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Other Related Materials:

Leave Request Procedure

References/Legal Authority:

[Family and Medical Leave Act Employer Compliance Guide, US Dept. Of Labor, 2023.](#)

Change Log:

Date of Change	Description of Change	Responsible Party
9.2023	This is a new policy	R. Lucovich, HR Specialist