

American Academy of Family Physicians

FMLA LEAVE POLICY

Eligibility

An employee who (1) has been employed for 12 or more months, and (2) worked for at least 1,250 hours during the most recent 12 months is an "eligible employee" under this policy.

Reasons for Leave

An eligible employee may take unpaid FMLA leave:

- (1) For the birth of the employee's son or daughter, and to care for the newborn child (the entitlement to leave for this reason will expire 12 months from the date of birth);
- (2) For the placement with the employee of a son or daughter for adoption or foster care (the entitlement to leave for this reason will expire 12 months from the date of placement);
- (3) To care for the employee's spouse, son, daughter or parent who has a serious health condition; and/or
- (4) Because of a serious health condition that makes the employee unable to perform the functions of his or her job.
- (5) Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty in support of a contingency operation); and/or
- (6) To care for a Covered Servicemember with a serious injury or illness, if the employee is a son, daughter, spouse, parent or next of kin of the Covered Servicemember.

Amount of Leave

An eligible employee may take up to a total of 12 weeks of unpaid leave during a rolling 12-month period for one or more of reasons (1) through (5) listed above.

An eligible employee who is a son, daughter, spouse, parent or next of kin of a Covered Servicemember may take up to 26 weeks of unpaid leave to care for a Covered Servicemember. Leave to care for a Covered Servicemember is available only in a single 12 month period, which begins when the employee first takes such leave.

During the single 12 month period in which he or she takes leave to care for a Covered Servicemember, an eligible employee may also take leave for one or more of reasons (1) through (5) listed above. But, during that single 12 month period, the combined, total amount of unpaid leave available to the employee is 26 weeks, including a maximum of 12 weeks of leave for the one or more of reasons (1) through (5).

Special rules apply if a husband and wife are both employed by the Academy. For more information about these special rules, contact the Human Resources Division.

In appropriate circumstances, leave under this policy may be taken intermittently or on a reduced schedule basis. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. For more information about or to request intermittent or reduced schedule leave, please contact the Human Resources Division.

Procedure and Timing for Requesting Leave

An employee requesting leave under this policy should complete an Application for FMLA Leave, which is available in the Human Resources Division. While the use of this form is not mandatory, completion will help ensure that your request is quickly and accurately acted upon. Employees should submit the completed application to the Human Resources Division.

When the need for leave is foreseeable, e.g. due to the expected birth or placement of a child or planned medical treatment for a serious health condition, the application for leave must be submitted no less than 30 calendar days before the requested start date of the leave.

If the need for leave is not foreseeable, an employee must notify the Academy as soon as it is possible and practical to do so, which is expected to be within one or two working days of learning of the need for leave, except in extraordinary circumstances. The notice must indicate why the employee needs leave and the anticipated timing and duration of the leave. Whenever possible, that notice should take the form of a completed Application for FMLA Leave. Please inform your Supervisor of your need for FMLA leave. Please provide the completed application to Human Resources.

The failure to properly notify the Academy of a need for leave may result in a delay of the onset of such leave.

Certification of Serious Health Condition

An employee applying for a leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition must provide the Academy with a completed Certification of Health Care Provider. The applicable form is available from the Human Resources Division. Once completed, the certification must be returned to the Human Resources Division.

The fully completed, applicable Certification of Health Care Provider form must be provided within 15 calendar days after being requested, unless it is not practicable to do so despite the employee's diligent, good faith efforts. Under such exceptional circumstances, the certification must be submitted as soon as possible. If an employee fails to submit a timely, fully completed certification, the request for leave may be denied. If work time has already been missed, the time off work may be treated as unexcused.

If the Academy has reason to doubt the certification provided by an employee, the Academy may require the eligible employee to obtain a second or third opinion, at the Academy's cost.

Status Reports and Recertification

Every thirty (30) calendar days while an employee is out on leave, the employee must submit a written statement of the employee's status and intent to return to work.

In addition, if an employee is on leave because of the employee's own serious health condition or the serious health condition of a family member, the employee must provide periodic recertification, *i.e.* an update of the applicable Certification of Health Care Provider form. Recertification is generally due either (a) every 30 calendar days and in connection with an absence; or (b) by the end date of the minimum duration of the condition stated on a previously completed Certification of Health Care Provider form, whichever is later.

Under certain circumstances, more frequent recertification and/or status reports may be required. Failure to timely submit a status report and/or recertification may result in loss of the leave or disciplinary action. Employees must submit the status report and any recertification to the Human Resources Division.

Certification for Leave Taken Because of a Qualifying Exigency

If an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the employee must provide a fully completed Certification of Qualifying Exigency for Military Family Leave form. This form is available in the Human Resources Division. This information need only be provided once, unless a subsequent request for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

Certification for Leave Taken to Care for a Covered Servicemember

If an employee requests leave to care for a Covered Servicemember, the employee must provide a fully completed Certification of Serious Injury or Illness of Covered Servicemember form. This form is available in the Human Resources Division. While the Academy may under appropriate circumstances seek authorization and/or clarification of this certification, the Academy will not request a second or third opinion or seek any recertification.

In lieu of the Certification of Serious Injury or Illness of Covered Servicemember form, an employee may provide invitational travel orders ("ITOs") or invitational travel authorizations ("ITAs").

Substitution of Paid Time Off

The leave available under this policy is unpaid. If, however, an employee has accrued vacation and/or sick days that could be used for a leave granted under this policy, the employee must substitute his or her applicable paid vacation and/or sick leave for the unpaid leave until the

applicable paid time off is exhausted. Once any applicable paid time off is exhausted, the remainder of any leave under this policy will be unpaid.

The requirement that an employee exhaust his or her accrued vacation and/or sick days does not apply to any part of a leave during which an employee is receiving workers' compensation disability benefit payments or temporary disability plan payments.

Group Health Plan Coverage During Leave

During a leave under this policy, an employee will be retained on the Academy's group health plan under the same conditions that applied before leave began. Thus, the Academy will continue paying any part of the employee's group health plan premium that it was paying the day before the leave began, subject to the requirements of this policy and the group health plan. To continue health coverage, the employee must continue to pay for his or her usual portion of the premium. During the period of the leave, if any, that accrued paid time off work is being substituted, the employee's portion of the premium will be made through payroll deductions. In all other situations, the employee must pay his or her portion of the premium by sending a check, made payable to the American Academy of Family Physicians, to the attention of the Benefits Manager, American Academy of Family Physicians, 11400 Tomahawk Creek Parkway, Leawood, Kansas 66211. The employee's portion of the premium must be paid by the first of each month, absent other written agreement. Premiums are paid one month in advance of coverage. For information regarding the amount of premium payments, contact the Human Resources Division. Failure of the employee to pay his or her share of the premium may result in loss of coverage.

Other Benefits While On Leave

Subject to the terms of the policy or plan, if an employee wants to continue life or any other insurance available through the Academy while on leave, his or her premiums must be paid at the same time and in the same manner as group health insurance (described above).

An employee who takes leave under this policy will not lose any seniority or employment benefits that accrued before the date leave began. An employee accrues no additional benefits or seniority during unpaid leave.

Return From Leave

An employee on leave is expected promptly to return to work: (1) if the need for the leave ends before the leave expires, or (2) when the leave expires. An employee on leave must contact the Human Resources Division at least two (2) business days before expiration of the leave (or, if the need for the leave ends before expiration of the leave, as soon as the need for the leave ends), regarding when and where to report for work.

If an employee's leave was necessitated by the employee's serious health condition, the employee must provide the Academy with a fitness for duty report from an approved health care provider before the Academy will return the employee to work or, if the employee was on light duty, to the employee's regular responsibilities. Employee's may use the Academy's form for

this purpose, which is available from the Human Resources Division, or another written format, e.g. a doctor's note, which contains all the necessary information.

Absent unusual circumstances, an employee returning to work from FMLA leave will be restored to his or her old position, *or* to a position with equivalent pay, benefits, and other terms and conditions of employment. The Academy cannot guarantee that an employee will be returned to his or her original job. Any determination as to whether a position is an "equivalent position" will be made by the Academy.

Failure To Return From Leave

The failure of an employee to return to work upon the expiration of a leave under this policy will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension must submit a request for an extension in writing to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period. The Academy reserves the right to require medical certification of the need for an extension.

Under some circumstances, if an employee does not return to work following leave, the employee may be required to reimburse the AAFP for the portion of health insurance and/or other premiums paid by the AAFP on the employee's behalf during the leave.