



Manual: Human Resources

Section: Benefits

Number: HR220v8

Policy  Procedure

Title: Leaves of Absence

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| <b>Current Content Expert:</b> Kathleen Wilkinson,<br>Director, HR Operations & Associate Wellness<br>Officer  | <b>Committee Approval(s)</b><br>HR Strategy Team<br>P&P Coordinating Committee  | <b>Date(s)</b><br>02/28/24<br>03/12/24 |
| <b>Department Head:</b> Mark Steiman, Vice<br>President, Chief Human Resources Officer   |   |  |
| <b>Executive Management Team Member:</b><br>Mark Steiman, Vice President Chief Human<br>Resources Officer<br><input type="checkbox"/> New<br><input checked="" type="checkbox"/> Revised<br><input type="checkbox"/> Reviewed (no changes)<br>Track: <input type="checkbox"/> A <input checked="" type="checkbox"/> C<br><b>Replaces:</b> 07/99, 11/01, 10/02, 03/03, 11/07,<br>09/08, 04/09, 12/09, 01/13, 12/22, 06/23 | <b>Medical Executive Committee Approval</b><br><b>Date:</b> N/A<br><br><b>Board of Directors Approval</b><br><b>Date:</b> 03/12/24<br><br><b>Effective Date:</b> 03/22/24 |  |

**I. PURPOSE:**

To advise associates of their rights and responsibilities, as well as CHOC's legal obligations for taking a leave of absence.

**II. DEFINITIONS:**

- A. Serious Health Condition:** For purposes of this policy, a "serious health condition" means an illness, injury, impairment, or physical or mental condition of the associate or a family member of the associate that involves either inpatient care, an overnight hospital stay, continuing treatment by a health care provider, or incapacity due to pregnancy. However, an overnight hospital stay or incapacity due to pregnancy is not required for California Family Rights Act(CFRA) leave.
- B. Inpatient Care:** "Inpatient care" means an overnight stay in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity. Under the CFRA, a person is considered an "inpatient" when the person is formally admitted with the expectation that the person will stay overnight, even if they do not actually remain overnight.
- C. Continuing Treatment:** "Continuing treatment" means a period of incapacity of more than seven (7) consecutive calendar days combined with at least two (2) visits to the health care provider or one visit and a regimen of treatments; incapacity due to pregnancy or prenatal care (an associate's pregnancy-related incapacity is covered under the Family and Medical Leave Act FMLA only); incapacity or treatment for incapacity due to a chronic serious health condition that requires periodic visits to a health care provider, continues over an extended period of time and may cause episodic incapacity; a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke and the terminal stages of a disease);

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or any period of absence to receive multiple treatments (including any period of recovery) by a health care provider either for (a) restorative surgery after an accident or other injury; or (b) a condition that would likely result in a period of incapacity of more than seven (7) consecutive calendar days in the absence of medical intervention or treatment (e.g., cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis)).

- D. Family Member:** For purposes of this policy, a “family member” means a spouse, child, or parent. Under CFRA, “family member” also includes a domestic partner, child of a domestic partner, grandparent, grandchild, sibling or a “designated person.” A “Designated Person,” for purposes of this policy means any individual related by blood or whose association with the associate is the equivalent of a family relationship. Associates may identify a designated person at the time they request CFRA leave. Associates are limited to one designated person per 12-month period.
- E. Child:** “Child” for purposes of bonding and family care leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, and for FMLA only, 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. "Child," for purposes of qualifying exigency leave and Service Member Family Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.
- F. Health Care Provider:** Doctor of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, nurse practitioners, nurse-midwives, physician assistants and clinical social workers who are authorized to practice in California. Also included are Christian Scientist practitioners listed with the First Church of Christ, Science in Boston, MA; chiropractors, insofar as the treatment consists of manual manipulation of the spine to correct a subluxation demonstrated by x-ray.
- G. Covered Service Member:** Is either a current member of the Armed Forces, including the National Guard and Reserves, who, because of a serious injury or illness incurred in the line of duty on active duty that may render the member medically unfit to perform the duties of the member’s office grade, rank or rating, is undergoing medical treatment, recuperation or therapy; is in outpatient status; or is on a temporary disability retired list for a serious injury or illness; or is a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.
- H. Qualifying Exigency:** A Qualifying Exigency is defined under the FMLA as:
  1. Short-notice deployment with seven (7) days or less notice;
  2. Attend military-sponsored functions;
  3. Arrange childcare or parental care;
  4. Attend meetings with school authorities;

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- 5. Make financial and legal arrangements;
- 6. Attend counseling;
- 7. Take up to fifteen (15) days of leave to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment;
- 8. Attend post-deployment activities; and
- 9. To address other events arising out of the military member's covered active duty or call to covered active-duty status provided that CHOC and the associate agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

**I. Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked.

**III. POLICY**

The Leave of Absence policy will inform CHOC's associates of their rights, obligations and responsibilities, as well as CHOC's legal obligations and responsibilities, when an associate requests a Leave of Absence (LOA) from work for one of the following reasons:

- A.** Family and Medical Leave Act (FMLA) / California Family Rights Act (CFRA)
- B.** Pregnancy Disability Leave (PDL)
- C.** Worker's Compensation Personal Leave
- D.** Americans with Disabilities Act Leave
- E.** Personal Leave
- F.** Military Leave
- G.** Leave for Military Spouses
- H.** Service Member Family Leave (FMLA may also apply under CFRA in some circumstances)
- I.** Qualifying Exigency Family Leave (FMLA) and (CFRA)
- J.** Time Off Regulated by Law

**IV. PROCEDURE**

- A. Associates:**  
Associates should request Leaves of Absence in Workday Absence at least thirty (30) days in advance of a foreseeable leave or as soon as possible in case of emergencies. Failure to provide all the required information within fifteen (15) days of the request for leave may impact the associate's ability to take a leave as requested.
- B. Supervisors/Managers:**  
Supervisors/Managers must immediately notify the Human Resources Department:
  - 1. If an associate was scheduled to work but has been off work for more than seven (7) days;

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2. If an associate makes a verbal or written request for a Leave of Absence or an extension of a leave;
3. If the associate returns to work following an approved leave of absence (release from the Health Care Provider is required in most cases).

**C. Types of Leave**

**1. Family Medical Leave**

Covered by the Federal Family Medical Leave Act (FMLA) and/or the State of California Family Rights Act (CFRA)

**a. Eligibility and Length of Family Leave:**

1) Family and medical leaves of absence are available to eligible associates where they may take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period as specified below. In order to qualify for a family leave, an associate must:

- a) Have been employed for at least twelve (12) months (not necessarily consecutive);
- b) Have worked at least 1,250 hours of service during the previous twelve (12) month period immediately before the leave would begin.
- c) Work within a 75-mile radius of 50 or more associates of the organization. (This worksite limitation does not apply to CFRA leave.)

2) An eligible associate may request up to twelve (12) weeks of leave (based on an associate's normally scheduled workweeks) in a twelve (12) month period for one of the following reasons:

- a) to take medical leave when the associate is unable to work and perform one or more essential functions of the job because of a serious health condition;
- b) for the birth, adoption, or foster care placement of an associate's child within 12 months following birth or placement of the child;
- c) to care for an associate's family member with a serious health condition.

**b. Aggregate Amount of Family Leave:** If both spouses work for CHOC and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for bonding leave or to care for a parent using family care leave. This limitation does not apply to CFRA leave, however.

**c. Maximum Length:** The maximum allowable leave period for a FMLA/CFRA Leave of Absence is twelve (12) weeks in a twelve (12) month period measured from the date an

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associate first takes leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the twelve (12) month period. If FMLA/CFRA leave time has been exhausted and the associate remains disabled, the associate may be provided with additional leave as per the Americans With Disabilities Act or applicable state law.

- d. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" FMLA/CFRA leave (periodic, short-term absences ranging from an hour to several weeks) or "Reduced Schedule Leave" (a lesser number of an associate's usual number of working hours per workweek or workday). CFRA leave taken for reason of the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. Any leave(s) taken shall be concluded within one (1) year of the birth or placement of the child in connection with the adoption or foster care of the child by the associate. The minimum duration of the CFRA leave for baby bonding shall be two weeks. However, CFRA leave will be granted for less than two weeks' duration twice in the 12-month period. Certification of fitness for duty to return to work may be required up to once every 30 days if reasonable safety concerns exist regarding the associate's ability to perform their duties, based on the serious health condition for which the associate took the intermittent or reduced schedule leave. An associate on an intermittent or reduced FMLA/CFRA leave for planned medical treatment, may, if available, be transferred temporarily to another position for which the associate is qualified, provided that it includes equivalent pay and benefits, and provides a better opportunity to accommodate both the associate's intermittent or reduced schedule and the business needs of CHOC. Associates must make a new intermittent leave request if they need to take additional leave after the 12-month period expires.

2. **Pregnancy Disability Leave (PDL)**

- a. **Eligibility and Length of Pregnancy Leave:** Any CHOC associate disabled by pregnancy, childbirth or related medical condition, as determined by a health care provider, is eligible to take up to seventeen and one-third (17-1/3) weeks of unpaid, job-protected leave per pregnancy.
- b. **Maximum Length:** The maximum allowable leave period for a Pregnancy Leave of Absence is seventeen and one-

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third (17-1/3) weeks. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time available per pregnancy. If PDL has been exhausted and the associate remains disabled, the associate's leave will be converted to CFRA leave or such other protected leave that may statutorily apply, subject to applicable law. If CFRA leave or other protected leave is not available, the associate may be provided with additional leave as an accommodation per the Americans With Disabilities Act and/or the California Fair Employing and Housing Act.

3. **Worker's Compensation Personal Leave**

Leaves due to work related injury or illness may be subject to different timelines and notification requirements.

4. **Other Medical Leaves:**

Medical leaves are available to associates who are disabled due to their own "serious health condition" and are ineligible for the FMLA, or CFRA leave or have exhausted their FMLA, CFRA, or PDL leave and are still medically disabled. If additional leave is reasonable and does not create an undue hardship, the associate will be placed on a Medical leave designated as ADA leave . If medical leave is not reasonable, not likely to be effective at helping the associate return to work and/or creates an undue hardship under the ADA, the associate may either be terminated or placed on a discretionary medical leave. Non-ADA discretionary medical leaves do not guarantee job protection.

5. **Personal Leaves of Absence**

a. **Eligibility and Length of Personal Leave:** Personal leaves of absence may be available on an unpaid basis for associates who have successfully completed six (6) months of continuous employment. Granting a Personal leave is entirely discretionary. CHOC reserves the right to deny Personal leave requests due to business necessity and other reasons. Personal leave of absence is available at the supervisor's/manager's discretion for up to thirty (30) days, including any time covered by PTO. All available PTO must be utilized prior to commencing any unpaid period of the leave. In evaluating any request, CHOC will consider a combination of factors, including the associate's length of service, performance record, responsibility level, the reason for the request, number of leaves previously granted during the past year, and the potential disruption that the leave would cause. Extensions will not be granted if they would cause the total paid and unpaid period of the leave to exceed thirty (30) days.

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- b. **Maximum Length:** The maximum amount of leave time or combination of personal leave time is thirty (30) days in the twelve (12) month period measured from the date an associate first uses leave.
- 6. **Military Leaves of Absence**
  - a. **Eligibility and Length of Military:** Military leaves of absence are available to associates performing service in the uniformed services to take unpaid, job-protected leave as specified below. Uniformed services include the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training.
  - b. **Maximum Length:** The maximum leave period that provides reemployment rights is if the cumulative length of service that causes a person's absences from a position does not exceed five years. However, some exceptions may apply in certain, defined circumstances.
  - c. **Associate Return from Leave:** Associates whose military service will be for fewer than 31 days must report back to work at the beginning of the first full, regularly scheduled work day following completion of service, after allowing for a period of safe travel home and eight hours of rest. Associates whose military service will be for more than 30 days, but fewer than 181 days must apply for re-employment within 14 days after completing service. Associates whose service is greater than 180 days must apply for re-employment within 90 days after completing service.
- 7. **Reservists:** CHOC will grant associates unpaid time off to meet their weekly or annual training obligations in the Active Reserves. Associates involved in periodic Reserve training are not required to use PTO but may choose to do so. It is the associate's responsibility to report to work at the end of an approved leave. Failure to do so will be considered a voluntary resignation.
- 8. **Leave for Military Spouses:** CHOC will grant any associate whose spouse or registered domestic partner is on leave from military deployment up to ten (10) unpaid days off. In order to qualify for the leave, the associate must work for CHOC for an average of twenty (20) or more hours per week and have a spouse

or registered domestic partner who is on leave from deployment as a member of (1) the Armed Forces of the United States deployed to an area of military conflict designated as a combat theater or combat zone by the President of the United States; or (2) the National Guard or Reserves deployed during a period of military conflict. To take the leave, an associate must provide documentation that the spouse will be on leave from deployment and must provide CHOC with notice that the associate wishes to take leave within at least two (2) business days of receiving official notice that the spouse will be on a leave from deployment.

9. **Service Member Family Leave - Covered by the Federal Family Medical Leave Act (FMLA)**

a. **Eligibility and Length of Service Member Family Leave:**

The service member family leave of absence is available to eligible associates to take up to twenty-six (26) weeks of unpaid, job-protected leave in a twelve (12) month period to care for a "Covered Service Member". Eligible associates may take this leave if they are the spouse, child, parent, or next of kin (nearest blood relative) of a Covered Service Member. In order to qualify for a Covered Service Member Family leave, an associate must:

- 1) Have been employed for at least twelve (12) months,
- 2) Have worked at least 1,250 hours of service during the twelve (12) month period immediately before the leave would begin,
- 3) Work within a 75-mile radius of 50 or more associates of the organization.

b. **Aggregate Amount of Family Leave:** When both spouses are employed by CHOC, the combined amount of Covered Service Member Family leave available in a twelve (12) month period is twenty-six (26) weeks when the leave is for Covered Service Member Family leave only or is for a combination of Covered Service Member Family leave, bonding leave and/or family care leave taken to care for a parent.

c. **Maximum Length:** The maximum allowable leave period for a Covered Service Member leave of Absence is twenty-six (26) weeks in a twelve (12) month period measured from the date an associate first uses leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the twelve (12) month period. The maximum amount of leave time or combination of any leave is twenty-six (26) weeks in the twelve (12) month period measured from the date an

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associate first takes leave unless additional time is statutorily required.

- d. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" Service Member Family leave (periodic, short-term absences ranging from 30 minutes to several weeks) or "reduced schedule" leave (a lesser number of an associate's usual working hours per workweek or workday). Intermittent leaves must be requested annually if the medical certification duration exceeds a twelve (12) month period. It is the associate's responsibility to inform CHOC whenever leave is needed.
10. **Qualifying Exigency Family Leave - Covered by Family Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA)**
- a. **Eligibility and Length of Qualifying Exigency Family Leave:** The qualifying exigency family leave of absence is available to eligible associates to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12) month period due to a spouse, son, daughter, or parent who is a member of the Regular Armed Forces, National Guard or Reserves and is on covered active duty or has been ordered to active duty as defined in Section II Part E. Under CFRA only, an eligible associate may also take leave for a qualifying exigency of a registered domestic partner. In order to qualify for a qualifying exigency family leave, an associate must:
- 1) Have been employed for at least twelve (12) months,
  - 2) Have worked at least 1,250 hours of service during the twelve (12) month period immediately before the leave would begin,
  - 3) Work within a 75-mile radius of 50 or more associates of the organization. (This worksite limitation does not apply to CFRA leave.)
- b. **Effective Date:** The "effective date" of any leave of absence is the first day of absence following the last day worked. The twelve (12) month period used to apply the leaves consists of the twelve (12) month period measured from the date an associate first uses leave.
- c. **Maximum Length:** The maximum allowable leave period for a Qualifying Exigency Family leave of absence for twelve (12) weeks in a twelve (12) month period measured from the date an associate first uses leave. Associates who return to work from a leave and subsequently require additional time away from work will be subject to the limitations on total leave time applicable to leaves within the twelve (12) month

period. The maximum amount of leave time or combination of any leave is twelve (12) weeks in the twelve (12) month period measured from the date an associate first uses leave unless additional time is statutorily required.

- d. **Certification of Qualifying Exigencies:** An Associate who requests a Qualifying Exigency Family Leave must provide certification of Qualifying Exigency for Military Family leave. This certification must be provided by the associate within fifteen (15) days of the request for a leave unless an associate is not able to do so. Failure to provide all the required information in a timely manner may impact the associate's ability to take a leave as requested and may lead to disciplinary action up to and including termination.
  - e. **Intermittent and Reduced Leaves of Absence:** Associates may also be eligible for "Intermittent" leave for qualifying exigencies (periodic, short-term absences ranging from an hour to several weeks) or "Reduced Schedule Leave" (a lesser number of an associate's usual working hours per workweek or workday).
11. **Additional Time Off from Work - Absences Regulated By Law**  
 Additional unpaid time off may be granted in accordance with state and federal laws and regulations for the following types of leave:
- a. Alcohol and Drug Rehabilitation
  - b. Jury Duty
  - c. Witness Duty
  - d. Leave for Crime Victims
  - e. Volunteer Firefighters, Peace Officers and Rescue Personnel
  - f. Attend school disciplinary proceedings
  - g. Participation in child's school related activities and/or address school emergencies
  - h. Adult Literacy Education Assistance
  - i. Voting Time
  - j. Organ & Bone Marrow Donation

**D. Leave Procedures**

- 1. **Medical Certifications:** An associate who requests a leave due to their own or an eligible family member's serious health condition must provide certification by a health care provider that justifies the leave. This certification must be provided by the associate within fifteen (15) days of the request for a leave unless an associate is not able to do so. Failure to provide all the required information in a timely manner may impact the associate's ability to take a leave as requested and may lead to disciplinary action up to and including termination. Under FMLA, recertification may be requested every thirty (30) days for leaves or leave extensions of 30 days or less

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and/or recertification may be requested every six (6) months if the associate is on an extended leave lasting more than six (6) months. Under CFRA, recertification may be requested at the expiration of the original certification if the associate is requesting additional leave.

2. **Associate Updates:** Associates provide the Human Resources Department with periodic updates at least every thirty (30) days and provide any address or phone number changes, expected date of return, and intent to return to work upon recovery from the serious health condition when applicable. Associates must provide the Human Resources Department with notice of the need to extend the duration of the leave of absence at least seven (7) days prior to their anticipated return date.
3. **Continuation of Insurance and COBRA Coverage:** An associate with CHOC's benefits plan coverage may remain on the plans while paying the same cost of coverage up to the Maximum Length of the federal and/or state job-protected leave. The associate must pay their share of the premiums either through payroll deductions (if the associate is receiving PTO) or through separate payments to WageWorks, CHOC's Direct Bill Vendor. Nonpayment within thirty (30) days of the date payment is due may result in termination of applicable benefits coverage. Once the Maximum Length of the federal and/or state job-protected leave has been reached, all benefits plan coverage will be terminated and the associate will be offered the opportunity to continue coverage through COBRA. For those associates whose leave is not eligible for or pursuant to a federal and/or state job-protected leave, benefits plan coverage will be terminated on the last day of the month following a grace period of 30 days after the leave began. The associate will be offered the opportunity to continue health coverage through COBRA effective on the first day of the month following the 30-day grace period. For the benefits coverage that were terminated, the associates may re-enroll in coverage once they return from their leave of absence.
4. **Paid Time Off (PTO):** Associates on PDL, Workers Compensation Leave or Military Leave may elect to use PTO for time not worked while on leave. Associates may also use sick leave if the reason for the leave qualifies for sick leave use. Associates must use accrued PTO for time not worked while on any other leave type. PTO payments may be coordinated with any eligible State Disability Insurance or Paid Family Leave Insurance payments until accrued PTO is exhausted.
5. **Release to Return to Work:** Following a Leave of Absence for the associate's own serious medical condition, the associate must provide a release to return to work from their Health Care Provider. If an associate does not

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return to work on the first scheduled day following the expiration date of the leave without receiving prior written approval of an extension beyond such date, the associate will be considered to have voluntarily resigned as of the last date of the approved leave. In addition, any required certifications, licenses, vaccinations, and trainings must be up to date prior to returning to work. If any of these have expired, the associate must complete these outstanding requirements on or before the associate's first day at work.

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**6. Return to Work:**

- a. Associates returning from an approved FMLA, CFRA, or PDL or Military Leave and who complied with the provisions of this policy may be returned to the same or an equivalent position as that which the associate held prior to beginning the leave, as required by law. If an associate's Health Care Provider releases the associate to return to work on a date beyond the specified federal or state protected leave policy limits, and the associate's former or comparable position, is not available, the associate and CHOC will work to identify other available positions that the associate may be qualified to fill. Failure to locate a position may result in an administrative separation from CHOC. However, CHOC will honor additional periods to these time frames where the associate has a legally protected return period that exceeds the time frame stated in this Policy.
- b. Associates have no greater right to reinstatement than if they had been continuously employed rather than taken leave. Therefore, employment may also be terminated at the end of a leave if a reduction in force or reorganization took place during the leave and resulted in the elimination of the position or a layoff.
- c. A Personal Leave does not provide job protection. Associates may return based on job availability. Before returning to work following a Personal leave of absence, the associate must contact the Human Resources Department to ascertain if a suitable position is available and, if so, to arrange for a return to work date. Associates who do not immediately return to work on the expected return to work date will be considered to have voluntarily resigned their employment with CHOC. Employment may also be terminated at the end of a leave if a reduction in force or reorganization took place during the leave and resulted in the elimination of the position or a layoff.
- d. Following a Military leave of absence, the associate must:
  - 1) Provide evidence of satisfactory completion of service, to the extent permitted by applicable law.
  - 2) Apply within ninety (90) days after release from active duty which exceeded one hundred eighty (180) days or within such extended period, if any, where their rights are protected by law, and are qualified to fill their former position. Associates who perform military duties for a period of less than one hundred eighty (180) days must request reemployment within the time established by law

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based on the length and nature of their military duties.

- 3) Be qualified to fill their former position. If necessary, CHOC will provide training to assist the associate in the transition back to the workforce
  - 4) If an associate does not return to work on the first scheduled day following the expiration date of the leave without receiving prior written approval of an extension beyond such date, the associate will be considered to have voluntarily resigned as of the last date of the approved leave.
7. **Reasonable Accommodation:** CHOC will attempt to reasonably accommodate associates who are released for partial/or modified duty to the extent required by law (refer to Human Resources Policy 409: Transitional Duty Program). If CHOC cannot reasonably accommodate the associate, the associate and CHOC will work to identify other available positions that the associate may be qualified to fill
  8. **Concurrent Leave:** To the extent possible, all Leaves will run concurrently with any applicable leave as allowed by law and/or governed by the Leave of Absence policy.

| REVISION HISTORY |            |              |   |
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| Number           | Date       | Author       | Revision / Updates  |
| HR220v6          | 12/05/2022 | K. Wilkinson | Policy reviewed by outside counsel and revisions made, Addendum added.  |
| HR220v7          | 06/20/2023 | K. Wilkinson | Addendum change only, remove Oregon (OR) Associates only: An associate that is a member of an organized militia must be granted an unpaid leave of absence to perform active state service if the militia is called into active service.  |
| HR220v8          | 02/29/2024 | K. Wilkinson | II.C. change "three (3)" to "seven (7)" in two places and add "calendar"<br>D. add "or a "designated person." A "Designated Person," for purposes of this policy means any individual related by blood or whose association with the associate is the equivalent of a family relationship. Associates may identify a designated person at the time they request CFRA leave. Associates are limited to one designated person per 12-month period"<br>IV.B.1. change "three (3)" to "seven (7)" |

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|  |  |  | <p>C.1.d. add "for planned medical treatment"</p> <p>2.b. add "subject to applicable law"</p> <p>4. add "If additional leave is reasonable and does not create an undue hardship" and ". If medical leave is not reasonable, not likely to be effective at helping the associate return to work and/or creates an undue hardship under the ADA, the associate may either be terminated or placed on a discretionary medical leave. Non-ADA discretionary medical leaves do"; remove "ADA leave of absence does"</p> <p>9.d. change "see that this occurs" to "inform CHOC whenever leave is needed."</p> |
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## **Addendum**

Georgia (GA) associates only: Associates are entitled to an unpaid leave for military services, including training, assemblies, annual training and active state service as a member of the Reserves or the National Guard of GA or another state.

Idaho (ID) associates only: Associates shall be entitled to their existing medical benefits for the first 30 days of a deployment ordered or authorized under the provisions of the National Defense Act.

Kansas (KS) associates only: An unpaid leave will be provided to any associate who is a member of the Kansas National Guard to attend drills or annual muster or perform active service. Eligible associates are those who are employed within Kansas who are called to state active duty by the state of Kansas or any other state and who are members of the Kansas army national guard, Kansas air national guard, the Kansas state guard, or other Kansas military force, or the military forces of any other state.

Missouri (MO) associates only: Associates who are members of the state military forces of Missouri, the National Guard, and members of any reserve component of the Armed forces of the United States and are ordered to active duty are entitled reemployment under the same conditions as provided by the Uniformed Services employment and Reemployment Rights Act (USERRA).

Nevada (NV) associates only: Associates will be provided time off to attend training or otherwise meet as required, or when called to active duty in the National Guard of NV or another state.

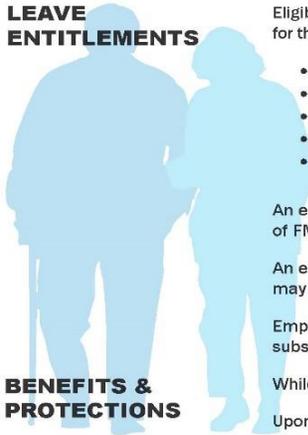
Tennessee (TN) associates only: Associate that are members of the Tennessee state guard or civil air patrol are entitled to unpaid leave when, under competent orders, they are engaged in the performance of duty or training in the service of the state, including the performance of duties in an emergency.

Texas (TX) associates only: Associates will be granted a leave of absence if they belong to the state military forces and are called to active duty or training.

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS



Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

## REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

## EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

# 1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

## www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

