

MEMO

Date: 1 February 2008

To: All Personnel

From: Katharine C Rathbun, MD, MPH
Chief Operating Officer – St Elsewhere Regional Medical Center

Re: Family & Medical Leave

There has been a lot of confusion about FMLA leave and how it is to be used. There are also problems with different departments having different policies about such leave. The attached policy is to clarify the use of FMLA leave by any and all employees.

Supervisors should read the policy carefully and be sure that they are treating all employees fairly and in accordance with the policy. This policy grants FMLA in accordance with the federal law. Employees are entitled to the leave if they meet the requirements and should not be penalized or treated differently if they use FMLA leave.

Human Resources will conduct sessions over the next month to provide training in FMLA leave and to review our other leave policies. There will be at least three opportunities during each shift. All supervisors are required to attend one of the sessions. All employees are welcome to attend.

If you have any questions about FMLA leave or other types of leave, you may contact Jane Doe, Leave Specialist in Human Resources at extension 12345.

As a hospital we should be sensitive to the medical needs of our employees and their families and we are grateful to those employees who continue to work with us and contribute to our mission despite personal challenges.

POLICY AND PROCEDURE

FAMILY AND MEDICAL LEAVE

EFFECTIVE DATE: 1 March 2008

AUTHORITY & RESPONSIBILITY

This policy is approved by the Director of Human Resources and the Chief Operating Officer. The Director of Human Resources is responsible for administering the policy.

POLICY:

All employees are eligible for leave for personal medical problems or to care for a family member in accordance with the provisions of the federal law, The Family and Medical Leave Act (FMLA). A summary of the provisions of the law is attached to this policy as Addendum A.

Employees will be granted up to 12 weeks (480 hours) of leave per calendar year. Employees will be required to use all paid sick leave they have accrued before they will be granted unpaid FMLA leave.

Under our policy, employees will not be required to use all paid vacation time before taking unpaid FMLA leave. Since rest and recovery is particularly important for those who are ill or under family stress, employees may take up to 2 weeks (80 hours) of paid vacation time per calendar year that is not considered in the 12 weeks of FMLA. However, employees who take unpaid FMLA leave will not be able to carry over unused vacation. Unused accrued vacation will be applied to any time taken under FMLA and the employee will receive payment in the December 31 paycheck.

Under our policy, employees may use FMLA leave for their own medical needs or the needs of family or other members of their household. Family will include relatives by either blood or marriage. Household members will include all people who reside in the same household and share economic and family responsibilities regardless of whether a formal legal relationship exists. The inclusion of unrelated household members is an expansion of the provisions of FMLA, and the hospital reserves the right to limit or reduce this expansion if necessary in the future.

PROCEDURE:

Any employee who wishes to request FMLA leave may do so by filling out the leave request form attached as Addendum B. Forms are available in Human Resources or in the Employee Resources Desk in the Emergency Department. The form may be returned to Human Resources, placed in the secure box at the Resources Desk, or given to their supervisor with their time card at the end of the week.

Supervisors may assist employees who request information or assistance with applying for FMLA leave. If the employee does not want such assistance, then supervisors will not read the request forms or ask the employee about the specifics of the problem. To protect the employee's privacy, the specific information required for FMLA leave will be retained in Human Resources and will not be made available to supervisors or coworkers except when necessary for health or safety reasons. This is consistent with

our policies and procedures on accommodating handicapping conditions under the Americans With Disabilities Act.

Once Human Resources receives the request, they will contact the employee and the physician listed on the request form to obtain the necessary documentation and arrange the leave. If FMLA leave is denied, the employee may request a review by the Human Resources Committee in accordance with the policy on employment grievances.

Any questions about FMLA leave from the employee or supervisors should be directed to the Leave Specialist in Human Resources.

VIOLATION OF POLICY

Violations of the access or privacy provisions of this policy are a personnel violation and may result in progressive discipline. Supervisory personnel are expected to be familiar with the policy and sensitive to the personal needs of their employees.