



**Ingalls Memorial Hospital
Policies, Standard Work, and Guidelines**

Policy **Standard Work** **Guideline**

Name: Family and Medical Leave Act (FMLA)

Number: IMH HR0020

Issue and Effective Date: 7/22/2020

Reviewed Date: 7/15/2020

Scope/Background:

This Family and Medical Leave Act (FMLA) policy applies to all UChicago Medicine Ingalls Memorial (“UCMIM” or Hospital”) eligible, regular employees.

Purpose:

The purpose of the policy is to establish guidelines and procedures for when an employee requests time off under the Family and Medical Leave Act. This policy outlines the conditions under which an employee may request up to 12 weeks of unpaid job-protected leave in a 12-month period for specified family or medical reasons, or for birth or placement of a child with no loss of accumulated service, provided the employee returns to work following the leave.

Definitions:

UCMIM or Hospital: Includes facilities on the main hospital campus in Harvey and at our Family Care Center/Urgent Care southland locations.

Policy:

In accordance with the Family and Medical Leave Act of 1993 (FMLA), eligible employees are entitled to up to 12 weeks of unpaid leave in a rolling 12-month period. FMLA Leave may be granted for up to 26 weeks to care for a family member who incurs a serious health condition as a member of the military while in the line of duty on active duty. FMLA leave is a guaranteed period of time that eligible employees can be absent from work with job protection. The time off is not paid unless the employee is taking Paid Time Off (“PTO”) or Extended Ill Bank (“EIB”) concurrently with FMLA leave (see HR0054 PTO and EIB policy and/or HR0032 PTO and EIB policy for employees represented by NNOC/NNU and Local 399 for specific requirements). PTO and EIB are required to be used, if available. Employees are required to use FMLA leave to cover the time they need to be away from work for any of the following purposes:

- To care for a newborn child or a newly adopted or newly placed foster care child, as long as the leave is taken in the year following the child’s birth or placement; or
- To care for their child, spouse or parent who has a serious health condition; or

- To attend to their own serious health condition that prevents them from working; or
- To care for a next of kin who is a member of the military who has incurred a serious health condition in the line of duty on active duty.

Compliance with FMLA Requirements

This policy is intended to comply with the FMLA and should be interpreted in light of regulations implementing the Act. In particular, terms used in this policy have the meanings they are given under the FMLA and in the regulations implementing the FMLA.

Eligibility

Employees are eligible for FMLA leave if they have worked for UChicago Medicine Ingalls Memorial for a total of 12 months over the previous 7 years and have worked at least 1,250 hours over the 12-month period immediately preceding the leave.

If an employee is not eligible for FMLA leave, they should refer to HR0028 Leave of Absence policy, which addresses non-FMLA leaves of absence.

If eligible for FMLA leave, time off for a work-related injury will be designated as a FMLA leave.

Procedures:

Employees and supervisors should know and follow the procedures below.

1. Requesting Leave

- a. Employees taking time off in excess of three (3) consecutive work days for the purposes listed above must apply for continuous FMLA leave in order to protect their absence. Employees must contact **Sedgwick**, the Hospital's third party leave and disability administrator, to apply for FMLA leave (for continuous or intermittent leave requests) and follow all their directions in order to have their absences covered by FMLA.
- b. Employees who need FMLA leave must give their supervisor and **Sedgwick** thirty (30) calendar days advance notice whenever possible. If such advance notice is not possible, the employee must provide notice to their supervisor and **Sedgwick** as soon as possible and practical. It should generally be practicable for the employee to provide notice of leave that is unforeseeable within one or two work days of the time the employee first learns of the need for the leave. In emergency situations, the employee must give their supervisor and **Sedgwick** notice of the need for leave soon as practicable, and must provide the reasons that they were unable to provide timely notice. When an employee does not give timely notice of unforeseeable leave and does not have a reasonable excuse, the employee's FMLA leave approval may be delayed or denied.

2. Health Care Provider Certification/Recertification

- a. Employees who request FMLA leave because of a serious health condition, either their own or an immediate family member's, must also submit a completed "Certification of Health Care Provider" to **Sedgwick** before the leave can be approved.
- b. The Hospital may require a second medical opinion at its own expense. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by employer and the employee.
- c. The employer may request subsequent recertification of the medical condition, at employee's expense.
- d. Employee must use diligent and good faith efforts to obtain the requested documentation. Failure to provide requested documentation to **Sedgwick** may lead to delayed/denied leave or return to work.

3. Amount of Leave

- a. Employees may take up to twelve (12) weeks of FMLA leave in a rolling 12-month period. The actual workweek is the basis of leave entitlement. For employees who work part-time or variable hours, the amount of FMLA leave is determined on a pro rata basis. When a husband and wife both work for the same employer, the two employees are limited to a combined total of 12 weeks of family leave to cover the time off they need after the birth or placement of a child or to care for a seriously ill parent; however, each employee is eligible to take any unused portion of the 12 weeks for his or her own serious health condition, the care of a seriously ill child or the care of the other spouse.
- b. To care for a covered military service member with a serious illness incurred in the line of duty on active duty employees may take off a maximum of 26 weeks in a rolling 12-month period. This leave is combined with all other FMLA leaves, limiting FMLA leave for all purposes to no more than a total of 26 weeks during the rolling 12-month period.
- c. Employees taking leave because of their own or an immediate family member's serious health condition may take their allotment of FMLA leave intermittently or in accordance with a reduced work schedule, if medically necessary. For planned medical treatment, employees must consult with their supervisor and try to schedule appointments at a mutually acceptable time. Employees must report both scheduled and unscheduled intermittent and continuous FMLA absences to their supervisor in accordance to the department's call-off procedures and applicable policies. Sedgwick is responsible for monitoring the amount of FMLA used. Therefore, absent extenuating circumstances, employees must report both scheduled and unscheduled intermittent and continuous FMLA absences to **Sedgwick** within two calendar days of the date the absence was taken. Employees taking leave to care for a newly born or newly placed child may take FMLA leave on an intermittent basis only with the approval of UCMIM Human Resources.
- d. If leave is requested on an intermittent basis, employees may be assigned to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

- e. While on FMLA leave, employees are prohibited from performing work for another employer.

4. Privacy and Leave Requests

Supervisors should not ask or inquire about the medical reasons for the employee's leave request. To maintain the employee's privacy, UCMIM Human Resources, **Sedgwick** and Occupational Health Services make any necessary inquiries and evaluate whether a medical need exists for the leave. UCMIM Human Resources, Occupational Health Services and **Sedgwick** are responsible for maintaining medical information provided by employees confidentially. Once a leave is approved, the employee will be notified. The employee's department will be notified of the expected duration of the leave.

5. Benefits While on Leave

- a. During FMLA leave the eligible employee's health care benefits, including medical benefits, dental and vision insurance, and life insurance are continued. During a period of FMLA leave the employee on leave receives the same benefits and has the same payment obligations as when working. The employee will be notified regarding group insurance premium payments.
- b. Employees receiving pay for available PTO or EIB during the leave will have premium payments automatically deducted from their paychecks. Coverage may be canceled if the premiums are not paid within thirty (30) days of the date due.

6. Return and Reinstatement

- a. Employees returning from FMLA leave must notify their immediate supervisor and **Sedgwick** no less than one (1) week in advance of their intended return, whenever possible.
- b. A certificate from the employee's physician, certifying that the employee is able to return to work with or without restrictions, must be submitted to HR Shared Services at HRservices@Ingalls.org to initiate the return-to-work process. If the employee is returning without restrictions, HR Shared Services can clear the employee to return to their job. If the employee is returning to work with restrictions, and the manager is able to accommodate the restrictions, Occupational Health Services will need to clear and release the employee to return to work with the agreed-upon restrictions. These steps are necessary before an employee is permitted to return to work after an FMLA leave for reasons associated with the employee's health. The employee does not have to be free of all medical restrictions.
- c. On returning from FMLA leave the employee will be restored to their same or equivalent position with equivalent pay, benefits, and other employment terms. The only exceptions to this restoration procedure are for certain key employees who are notified of their status when they first request FMLA leave.
- d. If the initially approved FMLA leave is for fewer than 12 weeks, any extension of time requires the employee to contact **Sedgwick** and obtain updated medical certification if for health reasons.

7. Inactive Status

- a. If an employee does not return to work after 12 weeks of FMLA leave in the rolling year, the employee may be placed on inactive status, causing the employee's position to be posted. If the employee establishes by competent medical information that a short, definite extension of leave will allow the employee to return to work in the employee's former position, the position may be held if doing so does not pose an undue hardship on the department. Those on inactive status may maintain a continuing relationship with the UCMIM Human Resources Department to be aware of and bid on open positions for which the employee is qualified.
- b. Termination may occur if an employee does not return to work without requesting an extension of their leave and getting it approved. The UCMIM Human Resources Department will engage in the interactive process with all employees who are on inactive status for reasons associated with their health.
- c. Those on inactive status may maintain a continuing relationship with the UCMIM Human Resources Department to be aware of and bid on open positions for which the employee is qualified. Bids from those employees on inactive status will be considered before outside applicant bids.
- d. Continuation of certain benefits while on inactive status should be discussed with UCMIM Human Resources, including short-term and long-term disability benefits.

Questions on this policy should be directed to the employee's supervisor or to UCMIM Human Resources or HR Shared Services.

Interpretation, Implementation, and Revision:

The Director, People Strategy and Operations in the UCMIM Human Resources Department is responsible for the interpretation and revision of this policy. All UChicago Medicine Ingalls Memorial employees are responsible for the implementation of this policy.

Attachments:

None

Cross-references:

None

References:

IMH HR0028 Leave of Absence (Medical Non-FMLA and Administrative) policy

IMH HR0032 Paid Time Off and Extended Ill Bank policy for employees represented by NNOC/NNU and Local 399

IMH HR0054 Paid Time Off and Extended Ill Bank policy