

The University of Kansas Health System NOTICE OF RIGHTS AND RESPONSIBILITIES

PART A: FMLA 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 one year of the child's birth or placement);
- To care for an 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; or
- 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 (Military Caregiver Leave).

The 12-month period for FMLA leave is calculated as a "rolling" 12-month period measured backward from the date of any FMLA leave usage. (Each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the 12 months immediately before the FMLA leave is to start.)

You will be notified if you are a key employee as defined under the FMLA. If you are a key employee, your leave cannot be denied for this reason; however, we may not restore you to employment following FMLA leave if such restoration will cause substantial and grievous economic injury to us. Additional information will be provided to you separately concerning your status as a key employee and restoration.

PART B: ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria 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.

PART C: 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 practicable* and generally, follow the employer's usual call-in procedures. *Practical is defined as the same day or the next business day.

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 their employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

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

PART D: SUBSTITUTION OF PAID LEAVE – WHEN PAID LEAVE IS USED AT THE SAME TIME AS FMLA LEAVE

You have a right under the FMLA to request that your accrued paid leave (PTO) be substituted for your FMLA leave. This means that you can request that your accrued paid leave (PTO) run concurrently with some or all your unpaid FMLA leave, provided you meet any applicable requirements of your employer's leave policy. Concurrent leave use means the absence will count against both the designated paid leave and unpaid FMLA leave at the same time. If you do not meet the requirements for taking paid leave, you remain entitled to take available unpaid FMLA leave in the applicable 12-month period. Even if you do not request it, the FMLA allows your employer to require you to use your available paid leave during your FMLA absence.

- The University of Kansas Health System requires you to use your available Extended Illness Reserve ("EIR") bank during your FMLA leave (continuously leave only), unless otherwise prohibited by state law. Any EIR taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.
- The University of Kansas Health System gives you the option to use your available PTO bank during your FMLA leave. For ease of administration, it will automatically use your PTO during your FMLA leave, unless you notify the HR Support Center (AskHR@kumc.edu or (913)-945-6500) you do not wish to use your PTO bank during your FMLA leave or it is otherwise prohibited by state law. Any paid leave taken for this reason will also be designated as FMLA leave and counted against the amount of FMLA

leave you have available to use in the applicable 12-month period. If you do not elect to use available PTO or it is not permitted by state law, your FMLA leave will be unpaid.

- Any time taken under short-term or long-term disability or workers' compensation benefits while on FMLA leave, will also be designated as FMLA leave and counted against the amount of FMLA leave you have available to use in the applicable 12-month period.

For more information about conditions applicable to PTO and other paid leave usage, please contact HR Support Center at AskHR@kumc.edu or (913) 945-6500.

PART E: MAINTAIN HEALTH BENEFITS

Your health benefits must be maintained during any period of FMLA leave under the same conditions as if you continued to work. During any paid portion of FMLA leave, your share of any premiums will be paid by the method normally used during any paid leave. If you are receiving EIR or PTO benefits while on FMLA leave, the premium payments will be automatically deducted from your paycheck. Premium payments cannot be deducted from STD/LTD or workers' compensation benefits, nor can they be deducted when no paycheck is issued. When you are on an unpaid FMLA leave or are receiving STD/LTD or workers' compensation benefits while on an unpaid FMLA leave, you may make separate contributions to the cost of the health insurance premiums, or you may wait to make the premiums payments when you return to work.

- If you elect to make separate contributions to the cost of your health insurance benefits while on unpaid leave, contact HR Support Center at AskHR@kumc.edu or (913) 945-6500 for payment details. You will have a minimum grace period of 30 days in which to make premium payments. If payments are not made timely, we will continue your group health insurance coverage while you are on unpaid FMLA leave, but you will be required to make "catch-up" premium payments when you return to work, as described below.
- If you elect not to pay any or all your health insurance premiums while on unpaid FMLA leave, you will be required upon return to work to pay up to 50% of the missed bi-weekly premium each pay period in the form of a "catch-up" premium payment until all unpaid premiums you did not pay while on leave have been paid. Such "catch-up" premium payments will be required in addition to the full amount of your health insurance premium for the pay period. The "catch-up" payments will be deducted automatically from your regular paycheck(s) received after returning to work.

You may be required to reimburse The University of Kansas Health System for their share of health insurance premiums paid on your behalf during your FMLA leave if you do not return to work following unpaid FMLA leave for a reason other than: the continuation, recurrence, or onset of your or your family member's serious health condition which would entitle you to FMLA leave; or the continuation, recurrence, or onset of a covered servicemember's serious

injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control.

PART F: OTHER EMPLOYEE BENEFITS

You may be entitled to continue voluntary group benefits (ex., supplemental life insurance benefits) while you are on an unpaid FMLA leave, but only if you make special premium payment arrangements directly with the insurance carrier. If you do not make these payment arrangements, your coverage will lapse automatically during your unpaid leave. Carrier contact information can be found on 24/7/Benefits/Benefit Guide. You are to contact HR Support Center at AskHR@kumc.edu or (913) 945-6500 to arrange to continue making 401(a) payments to avoid a default.

Upon return to work from FMLA leave, your other employee benefits, such as pensions or life insurance, must be resumed in the same manner and at the same levels as provided when your FMLA leave began.

PART G: RETURN-TO-WORK REQUIREMENTS:

Prior to returning to work from your FMLA leave, The University of Kansas Health System requires you to submit a fitness-for-duty certificate from your health care provider to The Hartford and Employee Health stating you are able to resume work at the end of your approved leave. To ensure a smooth return-to-work, you are asked to provide the certificate at least two (2) workdays prior to your actual return date.

You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon your return from FMLA-protected leave. An equivalent position is one that is virtually identical to your former position in terms of pay, benefits, and working conditions. At the end of your FMLA leave, all benefits must also be resumed in the same manner and at the same level provided when the leave began. You do not have return-to-work rights under the FMLA if you need leave beyond the amount of FMLA leave you have available to use.

PART H: OTHER REQUIREMENTS WHILE ON FMLA LEAVE

While on FMLA leave you may be required to furnish The Hartford with periodic reports of your status and intent to return to work, as appropriate for the FMLA situation.

If the circumstances of your leave change and you are able to return to work earlier than expected, you will be required to notify your Manager and The Hartford at least two workdays prior to the date you intend to report to work.

PART I: 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.

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

PART J: 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:

1-866-4-USWAGE (1-866-487-9243)/TTY: 1-877-889-5627

www.dol.gov/whd