

The University of Kansas Health System

Employee Requirements and Protections under the Family and Medical Leave Act

FMLA LEAVE ENTITLEMENT

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 work;
- *Military Exigency Leave*: Leave for certain reasons related to a family member's foreign deployment; or
- *Military Caregiver Leave*: Leave when a family member is a current servicemember or recent veteran with a serious injury or illness. Employees who take military caregiver leave are limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the 12-month period.

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.

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.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria to be eligible to take leave under the Family and Medical Leave Act. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service (worked) in the 12 months before their FMLA leave starts; and
- Work at a location where the employer has at least 50 employees within 75 miles.

The University of Kansas Health System ("health system") partners with an outside third party, The Hartford, to administer FMLA leaves. Employees are required to contact The Hartford at 866-315-0809 and provide policy number 675466 when requesting FMLA leave or extension. Upon initiating your leave request with The Hartford, you will be provided notice of your eligibility for FMLA and next steps for requesting a leave.

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, you must notify the health system as soon as practical (usually the same or next business day) and follow your department's or manager's usual call-in procedures.

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

The health system and/or The Hartford can require certification or periodic recertification supporting the need for leave. If The Hartford determines that the certification is incomplete, it will provide a written notice indicating what additional information is required.

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

You have the right under the FMLA to request that your accrued paid leave - paid time off or extended illness reserve (PTO/EIR) runs concurrently with your FMLA leave. This means that you can request that your accrued

The University of Kansas Health System

Employee Requirements and Protections under the Family and Medical Leave Act

paid leave (PTO/EIR) be utilized with some or all your unpaid FMLA leave, provided you meet any applicable requirements of the health system's paid leave policies. You may also be eligible to receive short-term disability (STD) benefit. Your eligibility to receive this benefit is determined by The Hartford and can be used with some or all of your unpaid FMLA leave. Concurrent leave use means the absence will count against both the designated paid leave and unpaid FMLA leave at the same time.

The health system gives you the option to use your available PTO/EIR during approved FMLA leaves.

Continuous Leave. For ease of administration, your accrued PTO/EIR will automatically be applied to your timecard during continuous FMLA leave, unless you notify the HR Support Center at (AskHR@kumc.edu or (913)-945-6500) that you do not wish to use paid leave during your FMLA leave. When also utilizing STD benefit, pay cannot exceed 100% of your base hourly rate.

Intermittent Leave. When taking approved FMLA intermittent leave, you may elect to use EIR, PTO, or take time as unpaid. You may request EIR or PTO via a time off request in Kronos or you may notify your supervisor that you wish to take the time as unpaid.

Any paid leave taken will be designated as FMLA leave and counted against the FMLA entitlement. If you do not meet the requirements for taking paid leave, do not elect to utilize paid leave or it is not permitted by state law, you remain entitled to take available unpaid FMLA leave entitlement in the applicable 12-month period.

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 entitlement 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 the HR Support Center at AskHR@kumc.edu or (913) 945-6500.

You may also refer to the following health system policies for more information:

- 3.07 Paid Time Off (PTO Benefit)
- 3.08 Short-Term Disability (STD) Benefit
- 3.09 Family and Medical Leave Act (FMLA) Benefit

MAINTAINING YOUR HEALTH BENEFITS

Your health benefits will be maintained during any period of FMLA leave under the same conditions as if you continued to work. If you are receiving PTO/EIR while on FMLA leave, your 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: 1) make separate contributions to the cost of the health insurance premiums, or 2) wait to make the premiums payments when you return to work.

- 1) If you elect to make 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 the correct amount of your bi-weekly group health insurance premium and where to send the payments. 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.
- 2) If you choose to repay your group health insurance premiums when you return to work, you are required to pay all or a portion of the unpaid premiums each pay period until the total amount owed is paid in full. You will be required to pay up to 50% of your missed bi-weekly premium (known as "catch-up premiums")

The University of Kansas Health System

Employee Requirements and Protections under the Family and Medical Leave Act

until the outstanding balance is paid off. "Catch-up premium" payments will be automatically deducted from your future paychecks in addition to your normal bi-weekly health insurance premium until the unpaid premiums are fully paid.

You may be required to reimburse the 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; the continuation, recurrence, or onset of a covered service member's serious injury or illness which would entitle you to FMLA leave; or other circumstances beyond your control.

OTHER EMPLOYEE BENEFITS

You may be entitled to continue voluntary group benefits (for example, 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, or at KansasHealthSystemBenefits.com. 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.

RETURN-TO-WORK REQUIREMENTS

Prior to returning to work from your FMLA leave for your own health condition, the health system requires you to submit a return to work form completed by your health care provider stating that you are released to return to work and including any work restrictions at the end of your approved leave. To ensure a smooth return to work, you are asked to provide the certificate at least two workdays prior to your actual return date.

If you are being released with restrictions, you should return the completed form to Employee Health at EH-ADA@kumc.edu or (fax) 913-945-6888. You must also work with the Leave Team to discuss a possible reasonable accommodation if one is needed.

If you are being released without restrictions, you should return the completed form to Occupational Health at OCC@kumc.edu or (fax) 913-588-2769.

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.

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 required by The Hartford or health system.

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.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under

The University of Kansas Health System

Employee Requirements and Protections under the Family and Medical Leave Act

the FMLA, the employer must notify the employee within five business days 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. The eligibility notification for employees of the health system is provided by The Hartford.

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.

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

www.dol.gov/whd