



Classification: Human Resources	YALE NEW HAVEN HEALTH POLICIES & PROCEDURES	
Title: Leave of Absence—Family and Medical Leave		
Date Approved: 04/06/2017	Approved by: System Operating Committee	
Date Effective: 05/01/2017	Date Reviewed/Revised: NEW	
Distribution: HR policy standardization update to YNHHS managers. Additional communication by respective HR team to managers. MCN Policy Manager	Policy Type (I or II): Type I	
Supersedes: Leave of Absence Family and Medical (BH F:3), Family and Medical Leave and Extended Leaves (GH (F1), Family and Medical Leave of Absence (HSC II.C.2), Family and Medical Leave of Absence (Grimes C:7), Family and Medical Leave of Absence (NEMG F:6), Family and Medical Leave of Absence (YNHH C:7)		

PURPOSE

Leaves of absence are available to employees who are unable to work due to a medical condition or illness, the serious illness of a family member, to fulfill parental needs for a newborn or newly-adopted child, to address certain qualifying exigencies related to military service, or to care for a covered military service member. It is the intention of this policy to comply with the Federal Family and Medical Leave Act of 1993 and amendments to the act, as well as applicable Federal or State Statutes.

APPLICABILITY

This policy shall apply to the Yale New Haven Health System (YNHHS), its parent and subsidiary corporations, including but not limited to its Delivery Network hospitals (Bridgeport Hospital, Greenwich Hospital, and Yale New Haven Hospital), Northeast Medical Group, Yale New Haven Care Continuum (d/b/a Grimes Center), Corporate Professional Business Services (CPBS), each of their respective parent and subsidiary corporations, and each affiliated entity owned by or under common ownership and control with any of the foregoing, with the exception of Lawrence + Memorial Hospital, Westerly Hospital and VNA of Southeastern Connecticut.

This policy is applicable except where it is expressly superseded by collective bargaining unit agreements.

A. Eligibility

1. Under the Connecticut Family and Medical Leave Act (CFMLA), all employees,

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including casual and temporary, who have completed at least one year of service at any delivery network and have worked a minimum of 1,000 or more hours for the twelve (12) months preceding the first day of the leave, are entitled to Family and Medical leave (FML) for a period generally not to exceed sixteen (16) weeks.

2. Under Connecticut law, parental, medical, and family leaves of absence are limited to sixteen (16) weeks per employee within a 24-month period of eligibility. Available leave time may be reduced depending on any previously approved FML within a 24- month rolling period.
3. Under Federal Family and Medical Leave Act (FMLA), an employee is considered eligible for leave if he/she has been employed by the specific delivery network for at least 12 months and has worked a minimum of 1,250 hours proceeding the first day of the leave.
4. If at least twelve (12) months have elapsed since the commencement of an FML and the employee requests an additional Family and Medical leave, additional time may be available under Federal statutes.
5. For birth mothers, the date of incapacitation or reduced work schedule is considered the commencement of the FML period. Birth mothers not eligible for FML under Connecticut or Federal statutes, could be eligible for a reasonable leave of absence for disability resulting from the pregnancy as defined by Connecticut law.
6. FML may be used intermittently. However, in instances pertaining to the birth of a child, adoption of a child, or placement of child with an employee for foster care, the employer must agree to the intermittent schedule.
7. If two married parents work for YNHHS and each wishes to take leave for the birth of a child, placement of a child for adoption or foster care, or to care for a parent or parent-in-law with a serious health condition, each employee may take up 16 (sixteen) weeks of leave, if available.

POLICY

Under Federal and CT Statute, FMLA is an unpaid benefit to provide job protection for up to 16 weeks, if eligibility has been met. Under Federal provisions, additional time for military caregiver leave may be available. Leaves are reserved for purposes of either the serious health condition of the employee (whether work-related or not), placement of a child for adoption or foster care, the serious health condition of a covered family member. The leave may be paid utilizing PTO, Short Term Disability and/or Basic Sick where applicable.

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PROCEDURES

A. Definitions

- **"Child"** means a natural, adopted, or foster child, stepchild, or legal ward, or a child of a person standing *in loco parentis*, provided such child is under the age of 18 or, if over 18 years, unable to care for self because of a serious mental or physical disability.
- **"Claims administrator"** refers to the entity or person responsible for oversight of claims related to the administration of a Family and Medical leave. This includes processing all claims and interpreting plan provisions.
- **"Continuous leave"** is a leave over an ongoing period of consecutive days necessitated by the employee's own serious medical condition, or the employee's need to be absent to care for a family member with a qualifying condition.
- **"Intermittent/reduced schedule leave"** may be taken when the employee must be absent from work in separate blocks of time or must work a reduced schedule due to his/her own serious health condition, or to care for a family member with a single qualifying condition.
- **"Parent"** means a natural parent, foster parent, adoptive parent, step-parent, legal guardian of an eligible employee, an individual who stood *in loco parentis* to an employee when the employee was a son or daughter, "parent-in-law" means the parent of current spouse
- **"Rolling period"** includes a 12-month look back period and commences with the first day of Family and Medical leave
- **"Serious health condition"** for employees means that the employee is unable to perform the essential functions of the employee's position. The origin of this condition may or may not be a work-related incident. As it applies to both employees and family members, a serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed, health care provider. The serious health condition also includes illnesses of a long term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition
- **"Spouse"** means an individual legally married to an eligible employee
- **"Qualifying exigency"** (1) short-notice deployment; (2) military events and relate activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional activities not encompassed in the other categories but agreed to by the employer and the employee.

B. Type of Leave Covered

In order to qualify under this policy, the employee must be taking the leave as defined by one of the following circumstances:

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- The serious health condition of the employee, whether considered work-related or not. Employees seeking drug, alcohol or other substance abuse-related treatment may be eligible for FML.
- To care for a newborn child within the first year of birth
- To care for a foster or adopted child within the first year of placement
- To care for a spouse, civil union partner, child, parent, or parent-in-law with a serious health condition
- Any qualifying exigency arising due to the active military duty of the spouse, son, daughter, or parent of the employee, or due to the notification of an impending call or order to active duty status in support of a contingency operation.
- To care for a covered service member with a serious illness or injury. The employee must be the service member's spouse, child, parent or next of kin. The employee is entitled to take up to 26 weeks of leave during a single 12-month period. Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FML/CFML-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for an injured service member.

C. Administrative process

1. Except where a leave is not foreseeable, all employees requesting leave under this policy must a) notify their supervisor, and b) initiate a claim with the YNHHS claims administrator. Contact information for the claims administrator is available on the HRConnect portal at www.ynhhs.org/hrconnect or by calling 1-844-543-21HR.
2. The employee must notify the claims administrator within three (3) consecutive work days of his/her absence. The employee is also responsible to ensure that his/her medical provider has forwarded the necessary information to the claims administrator in order to secure job protection under the applicable statute.
3. Approved leave can be taken on a continuous, intermittent or reduced schedule basis.
4. The employee must give the employer 30 calendar days' notice. If the need for the leave is unforeseeable, the employee must give as much notice as is practical and reasonable in the given circumstances. An employee undergoing planned or otherwise elective medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the employer's operations. If an employee fails to provide 30 calendar days' notice for a foreseeable leave without a reasonable explanation for the delay, the leave request may be delayed or denied.
5. HRConnect and manager will receive a notification from the claims administrator with the approved dates of the leave. HRConnect will update the employee's status in the HR/Payroll System to the applicable leave of absence ("L") status once approval has been received from the claims administrator.

The employer requires certification of the serious health condition of the employee or

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covered family member. The employee should submit the healthcare provider certification form to the claims administrator within fifteen (15) days of the Family and Medical leave qualifying event or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of the continuation of the leave.

The employer reserves the right to designate any qualifying period of absence as Family and Medical leave.

Medical certification may be provided by using the healthcare provider certification form provided by the claims administrator. Certification of the serious health condition shall include:

- The date when the condition began
- The estimated duration (and frequency where applicable)
- Brief statement of treatment
- If the certification is for the employee's own health condition, it must include a statement that the employee is unable to perform any work or unable to perform the essential functions of the employee's position. The healthcare provider certification form will be reviewed by the claims administrator.
- For the serious health condition of a family member, the certification must include a statement that the patient requires assistance and that the employee's presence would provide psychological comfort or assist in the patient's recovery. Proof of family relationship may be required.
- If the employee plans to take intermittent leave or work a reduced schedule, the medical certification must also include dates and the probable duration of treatment, and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The employer has a right to request a second medical opinion. If this occurs, the employer will obtain certification from a second medical provider of its choosing not affiliated with YNHHS at its expense. If necessary to resolve a conflict between the original certification and the second opinion, the employer will require a third opinion. The employer and the employee will jointly select the third medical provider not affiliated with YNHHS; expenses will be paid by the employer. This third opinion will be considered final.

6. While on FML, employees are expected to regularly inform their supervisor of their return to work status, including their anticipated return to work date. Employees returning from FML for their own illness must schedule an appointment with Occupational Health and Wellness seven – fourteen days prior to return to work date to obtain clearance.
7. The employer has the right to delay or deny FML time based on suspicions of fraud.
8. Intermittent leave may be subject to review if absence is excessive or patterned.

D. Status of compensation and benefits while on FML

1. Pay during FML

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- a. An employee on continuous or intermittent FML is required to use available PTO for their absences unless Short-Term Disability or other paid leave is being used. Employees may choose to save one week (based on scheduled hours) of PTO.
 - b. Intermittent Family and Medical Leave: all employees, exempt and non-exempt, are paid PTO hours, if available. Exempt employees on intermittent leave will be paid on an hourly basis for their Family and Medical Leave time.
 - c. Continuous Family and Medical Leave, employee's own illness: paid available PTO during Short-Term Disability waiting period. Short-term Disability can be supplemented by PTO or Basic Sick, as available.
 - d. Continuous Family and Medical Leave, covered family member's illness: paid up to two weeks Basic Sick, as available, then paid PTO.
 - e. PTO (refer to PTO Policy) accruals continue during the approved FML based on PTO used and regular hours worked.
 - f. An employee who is eligible for Short-Term Disability (refer to Short-Term Disability Summary Plan Document) and taking leave for the birth of a child must use available PTO for the waiting period, then Short-Term Disability for the physical recovery following the child's birth.
2. Review dates will not change as a result of LOA.
 - a. All reviews where the employee was on LOA for 16 weeks or less will be processed without proration.
 - b. All reviews where the employee was on LOA for more than 16 weeks will be processed with proration.
 - c. If the review was due during the employee's absence, the review will be completed within 30 days of the employee's return to work.

3. Healthcare benefits

While the employee is on FML, the employer will continue his/her healthcare benefits at the same level and under the same conditions as if the employee had continued to work, for a period not to exceed six (6) months.

- If the employee is paying a portion of the health care premium, the employer will continue to make payroll deduction while the employee is on paid leave.
- If the employee is not receiving Short-Term Disability (refer to Short-Term Disability Summary Plan Document) nor using PTO (refer to PTO Policy), a deficit for the healthcare or benefit plan premiums (medical, dental, vision, life insurance and flexible spending accounts) where applicable will accrue until employee receives Short-Term Disability/PTO. If neither Short-Term Disability

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nor PTO is being used, then the deficit premium amount will begin to be deducted from the first check after the employee returns to work and continue for the same period as the leave. For example, if the employee was on FML for all or a portion of eight (8) pay periods, the deficit premium will be recovered over the first eight (8) pay periods after the return to work.

- If the employee chooses not to return to work for reasons other than a continued serious health condition, the employer will require the employee to reimburse the amount the employer paid for the employee's healthcare premium during the leave period. The employee may continue healthcare coverage after notification of the intent not to return under the COBRA extension option, which requires the employee to repay the full COBRA premium.
- If the employee goes out on Long Term Disability (LTD) directly from STD, their health benefits will continue and premiums will be deducted from their LTD check for an additional six (6) months (up to one (1) year from initial date of disability).

E. Return from FML

1. Employees on leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment conditions as long as they return to work prior to exhausting their FML entitlements. The position will be the same or one which entails substantially equivalent skills, effort, responsibility, and authority.
2. If the reason for the FML was due to employee's own serious health condition, the employee must provide documentation of medical clearance to return to work. This documentation should be presented to Occupational Health Services, which will confirm clearance to return to work.
3. When a FML exceeds sixteen (16) weeks due to a personal, serious health condition, the employee's job may be filled or held, based on the operational and staffing requirements and an individual assessment of the employee's ability to return to work. If the employee's position has not been held, the employee would be placed in the FML cost center for up to an additional 10 weeks and receive consideration for appropriate job vacancies if the employee is cleared to return to work within the Short-Term Disability period.
4. HRConnect will return the employee to his/her original active status upon the employee's return to work, in order to ensure consistent pay and benefits coverage.
5. The maximum for a FML is sixteen (16) weeks. The claims administrator will notify the employee, HRConnect and the manager of the approval/denial. The employee, manager and HRConnect will be notified approximately four (4) weeks prior to the employee exhausting his/her job protected leave. HRConnect will begin the interactive process with Human Resources, the claims administrator, the employee and the manager to determine

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whether or not the employee will be returning to work and/or if accommodations can be made.

F. Enforcement

An employee may file a complaint with the U.S. Department of Labor, the Connecticut Department of Labor or may bring a private lawsuit against an employer.

FMLA and CFMLA does not affect any Federal or State law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

REFERENCES

Compensation Guide for Management

RELATED POLICIES

Paid Time Off (PTO) Policy

Review Date Policy

Short-Term Disability Summary Plan Document