



Policy Name:

Family and Medical Leave of Absence (FMLA)

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Human Resources

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SCOPE

The Family and Medical Leave of Absence Policy (the Policy) applies to all employees of Baylor Scott & White Holdings, and its Controlled affiliates (collectively, "BSWH System").

PURPOSE

The purpose of this Policy is to outline the types of leave available under the Family and Medical Leave Act and the processes and procedures for taking such leave at BSWH System.

POLICY

Pursuant to the federal Family and Medical Leave Act (FMLA), eligible employees may take a leave of absence for any of these qualifying reasons.

1. Qualifying Reasons

- 1.1. The following are the qualifying reasons that an eligible employee may take a leave of absence under the FMLA.
 - 1.1.1. Because of the birth of a son or daughter of the employee, and to care for the newborn child
 - 1.1.2. Because of the placement with the employee of a son or daughter for adoption or foster care
 - 1.1.3. To care for the employee's spouse, son, daughter, or parent with a serious health condition
 - 1.1.4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job
 - 1.1.5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Regular Armed Forces, Reserves or National Guard, or a retired member of the Regular Armed Forces or Reserves, during a contingency operation, or is on covered active duty in the Regular Armed Forces, Reserves or National Guard and is deployed to a foreign country.

- 1.1.6. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member
- 1.2. For reasons 1.1.1 through 1.1.5 above, the employee may take up to 12 weeks of leave per leave year. For reason 1.1.6 above, the employee may take up to 26 weeks of leave during a single 12-month period to care for the covered service member. During the single 12-month period that an employee takes leave under 1.1.6 above to care for a covered service member, that employee shall be entitled to a combined total of 26 weeks of leave under this Policy.

2. Eligibility for FMLA Leave

- 2.1. You're eligible for an FMLA leave if you have been employed by BSWH System for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of leave.

All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

- 2.1.1. If you're Eligible for FMLA Leave – you may not take more than 12 weeks of leave pursuant to the FMLA in any leave year, except that you may not take more than 26 weeks of leave in a single 12-month period to care for a covered service member with a serious illness or injury (i.e. military caregiver leave).
- 2.1.2. A leave year for all types of leave other than military caregiver leave is the 12-month period measured backward from the date an employee uses any FMLA leave.
- 2.1.3. For military caregiver leave, a leave year is the 12-month period measured forward from the date the employee's first FMLA leave to care for the covered service member begins.
- 2.1.4. All paid and unpaid leave taken for reasons covered by the FMLA shall be counted as part of the leave allowed per leave year. Employees receiving paid leave in substitution for unpaid FMLA leave must satisfy any procedural requirements contained in BSWH System's paid leave policies, but only in connection with receipt of such payment.
- 2.1.5. You must exhaust all paid leave, including sick leave if applicable, paid time off (PTO), and short-term disability (STD) leave if applicable, to which you're entitled before taking unpaid leave.
- 2.1.6. If your spouse also works for BSWH System, you and your spouse are eligible to take a combined total of 12 workweeks to care for your newborn child, a child placed with you for adoption or foster care, or a child or parent who has a serious health condition.

2.1.7. If You Aren't Eligible for FMLA Leave or You Have Used All Your Available FMLA Leave – you may be eligible to take a personal leave of absence or non-FMLA employee medical leave of absence, if applicable.

2.2. If your leave of absence is approved under FMLA, it will run concurrently with any time during which you're receiving STD or Safe Choice Plan benefits.

3. FMLA Intermittent Leave

3.1. If you need to take a leave for your own or your family member's serious health condition, you can take the leave on an intermittent or reduced schedule basis if the health care provider certifies that intermittent or reduced-schedule leave is medically necessary due to a serious injury or illness. Upon request by BSWH System, you must advise BSWH System of the reasons why intermittent/reduced leave schedule is necessary and of the schedule for treatment. You must attempt to work with BSWH System on a schedule for such leave that meets your needs without unduly disrupting BSWH System's operations, subject to the approval of your health care provider.

3.2. The time you're away from work will be deducted on an hourly basis from the current balance of leave you're entitled to under the FMLA.

4. Scheduling Your FMLA Leave and Supporting Documentation

4.1. Requesting an FMLA Leave

North/Central Specifics

1. North Texas - to request an FMLA leave of absence, or to request an extension of an FMLA leave of absence, call the Baylor HR Center at 1-877-44-MY-JOB (1-877-446-9562) to process your request. Leave specialists are available between 7 a.m. and 7 p.m. Central time, Monday to Friday. The Baylor HR Center will work with you to obtain necessary documentation regarding your need for a leave.

2. Central Texas – You should notify your supervisor of the need for a leave of absence and contact Liberty Mutual to file a leave claim. Liberty Mutual can be contacted on-line at www.mylibertyconnection.com or by a dedication toll free phone number, 1-888-481-2413. If you file a claim on-line, use company code SCOTT to create a username and password. Liberty Mutual claim services are available 24 hours/7days a week, 365 days a year.

4.2. Scheduling Leave and Medical Treatments

4.2.1. When planning medical treatments, you must consult with BSWH System and make a reasonable effort to schedule the treatment so as not to disrupt unduly BSWH System's operations, subject to the approval of your health care provider. If you fail to do so, BSWH

System may initiate discussions with your supervisor and require you to attempt to make such arrangements.

- 4.2.2. If your need for a leave of absence is foreseeable, you're expected to provide BSWH System with at least 30 days advance notice of your need for the leave of absence. If that's not possible, you're expected to provide advance notice as soon as practicable. If you fail to provide BSWH System with at least 30 days advance notice of a foreseeable leave of absence, your leave may be denied and/or you may be asked to reschedule.

4.3. Certification

- 4.3.1. If the leave is due to your serious health condition or the serious health condition of a family member, or to care for a covered service member with an injury or illness, you must provide medical certification of the need for leave on the form provided by BSWH System for such purposes. You have 15 calendar days to complete and return all the documents that support your need for a leave. If you fail to timely return the certification to BSWH System, your leave of absence may be denied.

- 4.3.2. You may submit documentation of enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers as sufficient certification of the covered veteran's serious injury or illness. BSWH System may require you to provide additional information such as confirmation of the familial relationship to the enrolled service member or documentation of the veteran's discharge date and status.

- 4.3.3. In some cases, BSWH System may require you to get a second and, possibly, a third medical opinion, at its expense. If a third opinion is necessary, the health care provider must be mutually agreed on, and that opinion is final and binding. If BSWH System requires you to get a second or third medical opinion, BSWH System will reimburse you for any reasonable out-of-pocket travel expenses incurred to obtain the second and/or third opinion.

4.4. Recertification

- 4.4.1. You may be required to provide periodic updates on the status of your or your family member's serious health condition, as applicable, and your intent to return to work at the end of your leave. Medical recertification may be required if:

- 4.4.1.1. You ask to extend the length of your leave.

- 4.4.1.2. The circumstances of your original leave request changes significantly.

- 4.4.1.3. BSWH System has reasonable cause to doubt the reason for your requested leave.

4.4.2. If you're required to provide a recertification to BSWH System, you will be required to provide the recertification within 15 calendar days after the request and any recertification will be at your expense.

5. During An Approved Leave

5.1. Attendance – the time you're not at work due to an approved FMLA is not counted as an occurrence under the Attendance Policy.

5.2. You must use all of your available sick time (if applicable) and earned but unused paid time off (PTO), if any, before going unpaid for all leaves except approved military leave, bereavement leave, jury duty and BSWH System business court appearances.

5.3. Performance Review and Merit Adjustment Consideration – regardless of the length of your leave of absence, your performance review and merit adjustment consideration will occur based on the established cycle

6. Benefits

North/Central Specifics

6.1. North Texas

6.1.1. To determine your eligibility for income replacement benefits while on your approved leave of absence please see BSWH System's voluntary short-term disability (STD) or Safe Choice Plan summary plan descriptions. The Baylor HR Center will work with you regarding short term disability benefits and the application process for short term disability benefits. However, you must be on an approved leave of absence before you will be eligible to apply for short term disability benefits.

6.1.2. If you're covered under the BSWH System Health and Welfare Plans, what happens to your benefits depends on whether or not you elected BSWH System voluntary short term disability benefits.

6.1.3. If you're receiving STD benefits while on leave – your premiums for your BSWH System Health and Welfare Plans continue to be paid through payroll deductions.

6.1.4. If you aren't receiving STD benefits while on leave – you'll be billed by the Baylor HR Center on a monthly basis.

6.1.5. If eligible, you'll continue to be credited with service for the purposes of STD benefits and the Retirement Savings Plan during your approved leave of absence. You'll also continue to be credited for service for purposes of calculating your PTO accrual rate, but you will not earn the same level of PTO hours during your leave since the majority of accrued PTO is earned on hours worked.

6.1.6. Employees eligible for Senior Management Time Off (SMTTO) should refer to the SMTTO Policy.

6.2. **Central Texas** - For information regarding requesting FMLA leave, visit the Benefits section on Insite.

7. Returning from an FMLA and Job Protection

7.1. If you're eligible for an FMLA leave, the amount of time between the first day of your leave for an FMLA-qualifying reason and when you return to work determines your job protection.

7.1.1. If You Return Before Using All Available FMLA Leave – if you return to work before using all 12 weeks (or 26 weeks as applicable) of FMLA leave, you'll return to the same or an equivalent job with BSWH System. However, if BSWH System eliminates your job during your leave, your Human Resources (HR) contact or supervisor will notify you to discuss your employment status.

7.1.2. If You Do Not Return After Using All Available FMLA – if you're unable to return to work after using all available FMLA leave, you must contact the appropriate service center and your supervisor. For additional guidance you may also contact local human resources.

7.1.3. BSWH System requires at least a two (2) week notice if you have no intention of returning to work after your leave of absence.

8. Access to Company Systems and Working During Leave

North/Central Specifics

8.1. North Texas

8.1.1. Access to BSWH System information and application systems may be suspended when an employee is on a leave of absence (for example, e-mail, MyBaylor, electronic medical records, medication management systems, etc.).

8.1.2. While on leave employees still have access to HR WorkWays® at www.hrworkways.com/4myjob@baylor and the Baylor HR Center at 1-877-44-MY-JOB (1-877-446-9562).

9. Disclosure of Genetic Information – the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, BSWH System asks that you not provide any genetic information when responding to any request for medical information as part of the leave process or for any other reason. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

DEFINITIONS

The definitions applicable to this Policy are set forth in the FMLA and its implementing regulations and those definitions govern this Policy. Below is a summary of some of the key definitions.

1. Contingency Operation – for purposes of reason 1.1.5 above, a contingency operation is an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or results in the call or order to, or retention on, covered active duty of members of the uniformed services.
2. Covered Service Member – for purposes of reason 1.1.6 above, a covered service member means a current or former member of the Armed Forces, including a member of the National Guard, Reserves or the Regular Armed Forces,, who's on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on covered active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or otherwise in outpatient status, or otherwise on the temporary disability retired list. A covered service member also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Eligible employees taking leave under this provision to care for former members of the Regular Armed Forces, Reserves, National Guard, or a covered veteran must take such leave within five (5) years of the date that the covered service member undergoes medical treatment, recuperation, or therapy.
 - 2.1. Outpatient Status – the term "outpatient status," with respect to a covered service member, means that a service member is assigned to a military treatment facility or a unit established to provide medical treatment for service members as an outpatient.
 - 2.2. Next of Kin – the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by a court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; first cousins, unless the covered service member has specifically designated another blood relative as his or her nearest blood relative for the purposes of military caregiver leave.
 - 2.3. Serious Injury or Illness – the term "serious injury or illness," with respect to a covered service member, means illness or injury, or the aggravation of an existing or preexisting injury, incurred in the line of duty while on covered active duty.

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on covered active duty in the Regular Armed Forces, Reserves or National guard and manifested itself before or after the member became a veteran, and is:

- 2.3.1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Regular Armed Forces, Reserves or National Guard and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - 2.3.2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) or 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
 - 2.3.3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
 - 2.3.4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
3. Parent – a biological parent or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter. The term parent does not include parents "in law".
4. Qualifying Exigencies – types generally include:
 - 4.1. Short-notice deployment – notification of an impending call or order to covered active duty 7 or fewer calendar days prior to date of deployment; limited to 7 calendar days of leave or less
 - 4.2. Military events and related activities – official ceremonies, programs or events and/or family support and assistance programs and briefings
 - 4.3. Childcare and school activities – changes to regular childcare arrangements, urgent-need childcare, school enrollment, transfer, and/or parent teacher conferences
 - 4.4. Financial and legal arrangements – preparing and executing powers of attorney, transferring bank account signature authority, representing covered service member regarding military benefits, preparing and updating wills and living trust
 - 4.5. Counseling – for the employee, covered service member, or the children of the covered service member
 - 4.6. Short-term rest and recuperation – up to 15 days of leave for each instance of a covered service member's leave for rest and recuperation with the covered service member
 - 4.7. Post-deployment activities – arrival ceremonies and programs for 90 days after covered active duty status, death-related issues
 - 4.8. Parental Care – Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is

necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

- 4.9. "Additional activities" – other events which arise out of a covered service member's covered active duty or call to covered active duty, to be agreed upon by BSWH System and the employee
5. Rolling 12-month period – Except for leave as described in paragraph 1.2 above, 12 months measured backward from the date your FMLA leave of absence begins.
6. Son or Daughter – a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who's under age 18. Additionally, a parent may take FMLA leave to care for a son or daughter 18 years of age or older, if the adult son or daughter:
 - (1.) Has a disability as defined by the Americans with Disabilities Act;
 - (2.) Is incapable of self-care due to that disability;
 - (3.) Has a serious health condition; and
 - (4.) Is in need of care due to the serious health condition.

A son or daughter on covered active duty or call to covered active duty status, or a son or daughter of a covered service member, includes a son or daughter of any age.

7. Spouse – a husband or wife as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it's recognized.
8. Covered Veteran – an individual who was discharged or released under conditions other than dishonorable at any time during the five years prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. However, the period between October 28, 2009 and March 8, 2013 cannot be counted when determining a covered veteran's five-year eligibility period.
9. Covered Active Duty – active duty that required deployment to a foreign country.

PROCEDURES

Supervisors

1. You may not interfere with the employee's leave of absence by:
 - 1.1. Consistently calling the employee to check up on them indicating they need to return to work.
 - 1.2. Requesting the employee to work while on leave.

North/Central Specifics

1. North Texas Return to Work Process

1. The Leaves Service Center/Hewitt case manager flags the upcoming return to work date.
 - 1.1. The employee should send the release to return to work to the case manager.
 - 1.2. If the employee fails to send the case manager the release, the employee may give the release to his/her supervisor and the supervisor can forward to case manager at the Leave Benefits Service Center.
 - 1.3. The case manager will send an email to the Supervisor to confirm if the employee returned to work.
 - 1.4. The supervisor will need to reply to the email confirming if the employee returned to work or not.
 - 1.5. If no release is provided to the Supervisor or case manager the supervisor will send the employee home until the release is provided.
 - 1.6. If a release is provided to the Supervisor with restrictions, the Supervisor should send the documentation to the Leaves Service Center and notify Human Resources of the note. The employee will need to be sent home while the Supervisor, the BSWH System Leave Specialist and local HR Business Partner review the request.
2. Employees should not be allowed to return to work without a Physician's release.
3. **No return to work** – this indicates the case manager has not received communication from the physician on whether the employee is returning or if an extension is needed. The case manager will contact the employee's physician to obtain the appropriate documentation and the leave may be extended.
4. **Partial return to work** - this indicates the case manager has received documentation from the physician stating the employee may return to work with restrictions.
 - 4.1. The case manager emails the BSWH System Leave Specialist to see if the partial return to work can be accommodated by the manager.
 - 4.2. The BSWH System Leave Specialist will email the information to the supervisor to review if the accommodation can be made.
 - 4.2.1. If the accommodation can be made, the Leave Specialist will confirm the information to the case manager. A return to work date along with the return to work confirmation email will be sent to the supervisor by the Leave Benefits Service Center.
 - 4.2.2. If the accommodation cannot be made, the BSWH System Leave Specialist will confirm the information to the case manager and the employee will remain out on a leave.

5. **Full duty return work** – this indicates the Physician has released the employee with no restrictions. The case manager will update the claim to a full return to work status and close the claim. An email will be sent to the supervisor to confirm if the employee return to work or not.

REFERENCES

For additional information regarding Employee Rights and Responsibilities Under the Family and Medical Leave Act please click on the following links:

English: <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

Spanish: <http://www.dol.gov/whd/regs/compliance/posters/fmlasp.pdf>

RELATED INTERNAL DOCUMENTS

Document Identifier

BSWH SYSTEM.HR.BNFT.002.P
BSWH SYSTEM.HR.TIME.013.P
BSWH SYSTEM.HR.WKPL.007.P

Document Name

Baylor Scott & White Safe Choice Plan
Senior Management Time Off
Reasonable Accommodation

ATTACHMENTS

There are no attachments associated with this Policy.