

**MEDICAL & FAMILY MEDICAL LEAVE ACT (FMLA) (HR-4.09)
BENEFITS**

Summary

Atrium Health values the long-term health and well-being of team members. Our Total Rewards Program offers a number of benefits that encourage team members to keep their body and mind healthy. At the same time, Atrium Health recognizes that team members sometimes experience an unfortunate serious health condition. During this time of serious health condition, a team member may need to take time off. It is important during a time like this that a team member can take a period of time off and not be worried or concerned about their job security upon return. Atrium Health, through the Total Rewards Program, offers a period of job protection to team members who must take some time off due to a serious health condition and do not qualify for FMLA. This job protection is offered to eligible team members through the Atrium Health Medical Leave benefit.

Additionally, the Family Medical Leave Act of 1993 (FMLA) offers eligible team members a period of job protection. FMLA leave may be used to take time off due to the team member’s own or some (eligible) family members’ serious health conditions. The FMLA leave benefit may also be available to team members who have a spouse, child, or parent serving active duty in the military or for a “qualifying exigency” arising from a spouse’s, child’s, or parent’s active duty or call to active duty in a foreign country as a member of the military reserves, National Guard or Armed Forces. Some team members, who need to care for a spouse, child, parent or next-of-kin’s illness or injury as a result of military duty may also receive the FMLA leave benefit.

Applies to:

- All Atrium Health weekender, part-time, and full-time team members who have completed at least 90 days of continuous service and are not eligible for the FMLA benefit may be eligible for the Atrium Health Medical Leave benefit.
- All Atrium Health weekender, PRN, temporary, part-time, and full-time team members who have worked for Atrium Health for a total of at least 12 months and worked at least 1,250 hours over the previous 12 months may be eligible for FMLA.
 - Several periods of employment count towards the total 12 months continuous service for purposes of FMLA, as long as the break in service was no more than seven (7) years.
 - Team members serving in the National Guard or Reserve, and away from work for more than seven (7) years in order to serve, have special rights under the FMLA law. Please contact Leave of Absence Administration if this is your situation.

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MEDICAL & FAMILY MEDICAL LEAVE ACT (FMLA) (HR-4.09) BENEFITS

Definitions

➤ **Medical Leave (Non-FMLA)**

Approved time off from work for a team member due to a serious health condition that prevents such team member from performing their job duties. Medical Leave is an Atrium Health offered benefit to those that do not qualify for the FMLA benefit. It is used continuously and can be taken when the team member has a serious medical condition lasting longer than three (3) days in a row; it does not include intermittent leave or family care leave.

➤ **Family Medical Leave Act of 1993 (FMLA)**

The FMLA is a federal law that protects an eligible team member's job security for a limited period. It applies to those team members who must take time off for themselves or a family member for certain medical, caregiving, birth or placement of a child, a hardship caused by a family member's impending orders to serve active duty in the military or to care for a spouse, child, parent or next-of-kin's illness or injury as a result of military duty. A team member must have worked for Atrium Health for at least a total of 12 months and must have worked at least 1,250 hours in the most recent 12 months prior to the start of the leave. Atrium Health complies with this law.

➤ **Intermittent FMLA Leave**

Intermittent (irregular) is a way the FMLA leave benefit may sometimes be used. Intermittent leave is when a team member cannot work for blocks of time or cannot work their normal weekly or daily schedule. This inability to work is due to a serious medical condition experienced by the team member or some (eligible) family members and must be supported by medical documentation. Team members who have a spouse, child, or parent serving or with impending orders to serve active duty may also use intermittent leave. This type of leave reduces the team member's usual number of worked hours per day or week. Intermittent leave is not available for FMLA leaves for birth, adoption, or placement of a foster child (these must be taken all at once unless there is a serious medical condition involved in the care of mother or child). Leave taken intermittently may be taken in increments of no less than one hour.

➤ **Serious Health Condition**

An illness, injury, impairment, maternity, or other physical or mental condition which prevents a team member from working because of one of the following situations:

- Inpatient care in a hospital, hospice, or residential medical care facility; or

- A period of more than three (3) consecutive calendar days, and:
 1. Involves one (1) continuing treatment with two or more visits to a healthcare provider within 30 days of the inability to work, and
 2. The first visit with a healthcare provider must occur within seven (7) days of the start of the inability to work; or
- A period which extends over time due to a chronic (continual or lasting) health condition and which involves periodic visits with a healthcare provider at least twice a year;
- Health conditions requiring a period of absence to receive multiple treatments or a condition that, left untreated, would likely result in a period of incapacity of more than three (3) days; or
- A period of incapacity due to pregnancy or for prenatal care.

Procedures that are typically not considered serious health conditions may include, but are not limited to: routine examinations, treatments for minor illnesses, and cosmetic treatments other than some reconstructive surgeries.

➤ **Serious Illness or Injury**

This term only applies to team members who find they must take time off for servicemember care. A condition that may cause the servicemember to be medically unfit to perform the duties of their office, grade, rank, or rating meets this definition.

➤ **Servicemember Care Leave**

This is part of the protection under the FMLA. Servicemember care applies to care for a military injury of a spouse, child, parent, or relative for whom the team member is the next-of-kin.

➤ **Covered Servicemember**

This terms applies to team member that is (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform his or her military duties, or (2) a person who, during the five (5) years prior to the treatment necessitating the leave, served in the active military, Naval, or Air Service, and who was discharged or released therefrom under conditions other than dishonorable (a “veteran” as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009 and March 8, 2013 is excluded.

➤ **Qualifying Exigency (qualifying need)**

This term applies to team members who have a spouse, child, or parent serving active duty military or with impending orders to serve active duty. If the team member has the length of service and worked hours to qualify for FMLA leave benefit, the team member may be able to use it. The broad reasons why a team member may use this leave are:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation
- Post-deployment activities
- Additional activities where the employer and team member agree to the leave

➤ **Next-of-Kin**

This only applies to military FMLA and is the closest blood relative as defined by the law.

➤ **Child**

For purposes of parental bonding leave and family care leave under the FMLA, a dependent child is either under age 18, or age 18 or older and not capable of self care because of a mental or physical disability. For purposes of military Servicemember and qualifying need FMLA leave, the term means a biological, adopted foster, child, stepchild legal ward or a child whom the person stood in loco parentis, of any age.

➤ **Parent**

For purposes of the FMLA's parental bonding leave and family care leave, the term means a biological, adoptive, step or foster mother or father, or any other individual who stood in loco parentis to the person. Parent does not include parent in-laws. For military qualifying need FMLA leave, the parent must be incapable of self-care as defined by the FMLA.

➤ **Leave of Absence Administration (LOAA)**

LOAA is the Human Resources department responsible for assisting team members with leaves of absence. The contact number for this department is (704) 631-0262.

General Guidelines

- The medical leave benefit is offered by Atrium Health for some team members not qualifying for FMLA leave. If one qualifies for FMLA leave, the medical leave is not available in addition to FMLA leave time.
- Medical and FMLA leaves run along with any leave due to an injury or illness for which the team member is receiving Workers' Compensation benefits.

- Medical documentation is required for all medical and FMLA leaves. Atrium Health may ask for a second medical opinion for any team member requesting medical or FMLA leave. The costs of this second opinion will be paid by Atrium Health. Team members who do not get a second opinion upon request may be denied medical or FMLA leave.
- Team members requesting a leave to care for a covered family member (including military service leave) with a serious health condition are asked to provide medical documentation from the family member's doctor. This documentation may include the nature of the serious health condition and the length of time treatment will be required. Team members may also be asked to provide additional doctor's statements at Atrium Health's request at reasonable periods throughout the leave. Atrium Health may ask for a second opinion for the family member. The costs of this second opinion will be paid by Atrium Health. Team members who do not get a second opinion on family members upon request may be denied FMLA leave. Team members may also be required to provide confirmation of a covered family member relationship.
- A team member who applies for or receives a medical or FMLA leave benefit through fraud is subject to counseling up to, and including, the end of the employment relationship.

About the Medical Leave Benefit

- Atrium Health is pleased to offer a medical leave benefit to weekender, part-time, and full-time team members who have completed 90 days of continuous service. When a team member expects to be gone or is unexpectedly gone for more than three (3) consecutive days of work due to a serious medical condition, the team member is to apply for medical leave.
- Under the medical leave benefit, Atrium Health offers job protection to team members for up to six (6) weeks during any rolling 12 month period. Job protection means that the team member's job or a similar job completely equal to theirs is held for them during this time. Because Atrium Health must be adequately staffed in order to meet our patient care mission, the System is not able to offer unlimited time for our medical leave benefit. If a team member is unable to return to work after a total of six weeks of medical leave, employment with Atrium Health will regretfully end. Please be aware that more medical leave time may be granted in certain cases (as an accommodation under the Americans with Disabilities Act (ADA), short-term disability, and/or workers' compensation); however, job protection is not automatic or guaranteed during an extended leave. This must be approved by LOAA and approval may change during the course of the extended leave depending upon the individual facts and circumstances. For more details, please see Policy 4.02, [*Disabilities: Team Members & Persons Applying for Jobs*](#).

About the FMLA Leave Benefit

- All Atrium Health weekender, PRN, temporary, part-time, and full-time team members who have worked for Atrium Health for at least a total of 12 months and worked at least 1,250 hours in the 12 months prior to the date the leave is to begin may be able to take FMLA leave.

- Several periods of employment count towards the 12 months continuous service for purposes of FMLA leave, as long as the break in service was no more than seven (7) years.
 - Team members serving in the National Guard or Reserve, and away from work for more than seven (7) years in order to serve, have special rights under the FMLA law. Please contact Leave of Absence Administration if this is your situation.
- The FMLA leave benefit is offered in the following situations:
- The team member has a serious medical condition that prevents them from working or alters regular work hours; or
 - The team member's spouse, parent, or dependent child has a serious medical condition that causes the team member a need to take time off to care for this family member; or
 - The birth of a child and to care for the newborn child (during the first 12 months of birth);
 - The placement with the team member of a child for adoption or foster care (during the first 12 months of placement); or,
 - The team member has a spouse, child, or parent serving active duty in the military, or has an impending call to serve, which causes them to take time off to deal with a qualifying exigency (need); or
 - The team member has to take time off to care for a spouse, child, parent, or a relative of whom the team member is the next-of-kin needing medical treatment or therapy/recuperation. This must be a result of a serious illness or injury in the five years preceding treatment due to military service.
- A team member need not be the sole care provider for a family member in order to receive the FMLA leave benefit. In the case that both parents are team members of Atrium Health, each eligible team members may be provided maximum time, of 12 weeks, for the FMLA leave benefit for the birth, placement, or care of a child.
- The FMLA leave benefit generally offers job protection for up to 12 weeks during any rolling 12 month period (measured backward from the date a team member uses any FMLA leave for any reason). In the case of taking time off to care for a family member with an illness or injury due to military service in the past five years, the team member may take up to a combined 26 weeks in a single 12 month period. Job protection means that the team member's job or a job equal to theirs is held for them during this time.
 - The FMLA law does not offer unlimited time off with job protection. If a team member is unable to return to work after a total of 12 weeks of FMLA leave (or 26 in one situation), employment with Atrium Health will typically end.
- Please be aware that more medical leave time may be granted in certain cases (as an accommodation under the Americans with Disabilities Act (ADA), short-term disability, and/or workers' compensation); however, job protection is not automatic or guaranteed during an extended leave. This must be approved by LOAA and approval may change during the course of the extended leave depending upon the individual facts and circumstances. For more details, please see Policy 4.02, [Disabilities: Team Members & Persons Applying for Jobs](#).

Medical Leave Time Limits

- The general time limit for the Atrium Health medical leave benefit is six (6) weeks in a rolling 12-month year.
 - The time limit for most FMLA leaves is 12 weeks in a rolling 12-month year (measured backward from the date a team member uses any FMLA leave for any reason).
 - Generally, the total time that any team member may use for most medical leaves in a 12-month rolling period (as defined above) is 12 weeks.* This includes any time taken on intermittent medical leave. *Example: A team member with more than a year of service took off nine (9) weeks to care for a family member with a serious medical condition in January, February, and March. In June, the team member finds out he needs time off for a major surgery. The team member only has three weeks of medical leave time left with job protection this rolling year (until sometime in March of next year).* However, the time limit a team member may take for FMLA Servicemember leave is a combined leave total of 26 weeks in a single 12-month period. A single 12-month period begins on the date of your first use of such leave and ends 12 months after that date. If both spouses are employed by Atrium Health, the married team members will be limited to a total of 26 weeks off between the two of them when the leave is military Servicemember leave or is for a combination of military Servicemember leave and any other FMLA type of leave. As stated above, more medical leave time may be granted in certain cases (as an accommodation under the Americans with Disabilities Act (ADA), short-term disability, and/or workers' compensation); however, job protection is not automatic or guaranteed during an extended leave. This must be approved by LOAA and approval may change during the course of the extended leave depending upon the individual facts and circumstances. For more details, please see Policy 4.02, [Disabilities: Team Members & Persons Applying for Jobs](#).
- *There is a rare instance where a first year team member may take up to 18 weeks off in a year if a medical leave at the end of the rolling year was consecutive with an FMLA at the beginning of the next rolling year (this is a function of what is required by the FMLA law combined with the Atrium Health medical leave benefit).

Team Member Benefits during a Medical or FMLA Leave

- Atrium Health, through the Total Rewards Program, offers team members a number of time-off benefits. These are designed, in part, to protect pay during times of serious medical condition of the team member or team member's family member(s). Team members who have available Catastrophic Bank are required to use it during their own medical or FMLA leave. If a team member has available Paid Time Off (PTO), the team member may choose whether to use it, as well as when and how to use it in order to provide some income. If a team member is able to receive Short-Term Disability (STD), use of time off benefits must stop at that point. For more details, please see Policy 3.08, [Short Term Disability \(STD\) Benefit](#). When paid time off benefits are gone, all remaining medical or FMLA leave is without pay (unless and until any disability pay begins).
- Atrium Health, as part of the Total Rewards Program, allows team members on approved medical or FMLA leave to continue earning Paid Time Off (PTO) for up to 12 weeks.
- Retirement/pension continues to be earned during leave. Team members may continue to participate in the 401(k) plan as long as they are still receiving a paycheck.

- Atrium Health recognizes the stress team members may face while on medical or FMLA leave. Team members on these leaves can be secure in that Atrium Health continues to offer medical, dental, and vision plans at the regular team member rate. Additionally, Atrium Health continues to provide the Atrium Health-paid life insurance benefit and disability benefits at no cost to any team member on medical or FMLA leave.
- The health plan costs will be deducted from PTO or Catastrophic Bank pay if available and able to be used.
 - If the leave is unpaid and/or time off benefits are gone, or the team member begins to receive disability payments from the disability provider, the team member must continue to pay their share of the health plans during the medical leave. Payment is to be made by check or money order by the first of the month to the Benefits Administration Department. The address can be found in the leave approval letter. Team members may choose to pre-pay their cost share of the health plans for the expected medical leave time in order to use pre-tax deductions.
 - It is important to pay the health plan costs when due during a medical leave. If payment is not timely, coverage may end.

Returning to Work After a Medical or FMLA Leave

- If the team member is returning from a leave within approved time limits, the team member will return to their job or another equivalent job. If a team member wishes to return to work earlier than expected, advance notice is to be given to the team member's unit or department leader and LOAA. Arrangements may have been made to cover for the team member during their leave and notice of early return helps the organization work this out with others.
- All team members returning to work need to contact LOAA and provide the medical clearance from their physician. LOAA will prepare the Teammate Action Form (TAF), which is necessary for the team member's return. This process is to be finished before the team member's actual return to work.
 - Sometimes a team member can return to work, but has a medical restriction or needs an accommodation. Team members can be secure that Atrium Health will work hard to find a position for valued team members who want to work. This situation must be reported to Return to Work (RTW) for review prior to the return date.
 - If the team member's work restrictions could be a danger to the safety of the team member or others, the team member may not be returned to their current work or job.
 - If the restrictions are temporary and the team member qualifies for a temporary transitional assignment, a RTW counselor will assist the team member. For more details, please see Policy 4.10, [Return to Work with Medical Restrictions](#).
- If the restrictions are permanent and the unit or department leader is able to accommodate, the team member will be returned to their work and job. If the unit or department leader is unable to accommodate, a Transition Services Coordinator may attempt to assist the team member in finding other work. For more details, please see Policy 4.10, [Return to Work with Medical Restrictions](#). If the team member on leave came due for a performance review during FMLA leave, it will now be due as soon as the team member returns. Performance pay increases are not affected by FMLA.

Team Members Unable to Return to Work At or Before Medical Leave Time Limits

- Because Atrium Health must be adequately staffed in order to meet our mission of patient care, the company is not able to offer unlimited time for medical leave benefits. When the medical or FMLA leave limit is reached, job protection generally ends. The unit or department leader will post the position and/or start the recruitment process if the position is still deemed as necessary. Unfortunately, the employment relationship will end unless the team member is approved for a medical leave past normal limits. An extension of additional time, generally up to six (6) months from the original leave of absence date, can occur when a team member is receiving short-term disability, workers' compensation, or needs extended leave as a medical accommodation under Policy 4.02, [Disabilities: Team Members & Persons Applying for Jobs](#). Job protection is not automatic or guaranteed in these cases. Atrium Health values all team members and is committed to work with a team member who wants to return to work. If a team member is beyond their medical leave limit, is on an extension for short-term disability and wants to return to work before the six month mark (from the start of the leave), the following applies:
 - Team members can contact LOAA. This contact needs to take place immediately after the team member is released to work by a doctor. LOAA will refer the team member to the Transition Services Coordinator. The coordinator's role is to assist the returning team member in finding an open position for which they are qualified.
 - If a team member does not find a job within 90 days, employment will end. If a team member's work relationship with Atrium Health ends, the team member may continue to look for a job within Atrium Health. If the team member finds a job within 90 days of employment ending, the team member's benefits will start back immediately if the team member chose COBRA coverage and team member's payments are up to date.

Team Member Responsibilities**Requesting the Medical or FMLA Leave Benefit**

- Team members may request a leave by filling out the [Request for Leave](#) (available on YourHRLink). Medical documentation is required for all medical and FMLA leaves.
- Team members are to complete the [Employee Notification of FMLA Benefits](#) form upon return from each period of FMLA use (including intermittent use).
- Atrium Health must be able to plan staffing in order to make sure our mission of patient care is met. Because of this, if a team member knows that a medical leave will be needed, it is to be requested 30 days in advance. In the case of a pregnancy, an expected delivery date may be used; however, the team member needs to notify their LOAA case manager of the exact delivery date once the child is born. If a sudden and unexpected event prevents 30 days notice, the team member is to tell his/her unit or department leader within three (3) calendar days of becoming aware of the need for the leave or as soon as both possible and practical. Not providing such notice may be grounds for delay or denial of the leave. For Military Emergency Leave, the team member is to inform Atrium Health as is reasonable and practical under the circumstances. A copy of the covered military member's orders or documentation (such as Rest and Recuperation Leave orders) setting forth the dates of the military members leave is required and completion of the Certification of Qualifying Exigency within 15 days unless unusual circumstances exist to justify a later date.

- Please understand that paperwork and medical validation are needed for medical or FMLA leaves. It is important that all deadlines are met and paperwork is complete. Approval must be given for the medical or FMLA leave benefit. When the requested leave relates to medical issues or pregnancy, team members must return a completed Certification of Health-Care Provider form within 15 calendar days, absent unusual circumstances, of receiving the appropriate form (for Servicemember caregiver leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health-Care Provider form). When the requested leave relates to a militarily qualifying exigency need, a team member must return a completed Certification of Qualifying Exigency form within 15 calendar days upon receiving the form, unless unusual circumstances exist to justify providing the form at a later date. If this is not done, Atrium Health may deny a medical or FMLA leave. In this case, a team member may receive unexcused absences under the attendance policy. Incomplete and insufficient forms will be returned to the team member for further information. If the appropriate Certification form is not submitted or does not establish the team member is entitled to FMLA leave, the leave will not be designated as FMLA leave.
 - If a leave is requested for placement of an adopted or foster child, the team member needs to supply documentation of the event to LOAA.

The team member is to fax the completed and signed Request for Medical Leave (including the Physician's Statement) to LOAA. This is to be done 30 days in advance if the team member knows of the need. In situations where the notice is not possible, this should be done no later than 15 days after the first day of leave. The fax number is at (704) 446-6624.
- Team members requesting intermittent leave are to make efforts when scheduling medical treatments or caregiving duties. The less the unit/department is disrupted is the most desired goal. Atrium Health may temporarily transfer a team member using intermittent family medical leave to another position. Such a transfer may be made if the team member is qualified to perform the duties of the other position, where the pay and benefits are the same or better, and the job better fits with the periods of absence.
- Medical re-certifications by the team member's doctor must be sent to LOAA upon the department's request.
- A team member may need to extend their medical leave. In this case, the team member must fill out another Request for Medical Leave and submit it to LOAA. When more time is requested, the team member will need to provide physician documentation at least every 30 days (more if requested).
- When a team member is getting ready to return to work from a medical leave, their doctor will need to fill out the [Fitness for Duty Certification to Return from Leave Form](#). This form is to be turned into LOAA for review before a team member may come back to work.

Leader Responsibilities

- Leaders will assist team members requesting a medical or FMLA leave. If a team member needs assistance in understanding this policy, please assist the team member. If a team member needs assistance in filling out the form, please assist them in contacting or meeting with a representative from LOAA. The leader is to notify LOAA if a team member has requested assistance with a medical leave form.
- Leaders are to submit a Request for Leave to LOAA in the event a team member is off work unexpectedly and/or unable to complete the form.
- Leaders are to record and code team member FMLA leave hours used (Code 395) or medical leave used (Code 295). In addition, leaders are to record PTO and Catastrophic Bank hours used.
- Leaders are to track and document all missed work hours on the Attendance and Counseling Form and the FMLA Tracking Chart.
- Leaders are not to request that any teammate perform any work-related duties or permit such activity while team members are on a leave of absence.
- Leaders are to notify LOAA with the return to work date and make sure the team member complies with Policy 4.10, [Return to Work with Medical Restrictions](#).
- Leaders are to have team members complete the [Employee Notification of FMLA Benefits](#) form upon return from each period of FMLA use (including intermittent use).
- Leaders are to assist LOAA by notifying them when the team member has used all available FMLA hours. After contacting LOAA and verifying job protection has ended, the leader is then required to post the position and/or begin the recruitment process if the position is still deemed necessary.

Related Policies

- Policy 3.02, [Healthcare Benefits](#)
- Policy 3.05, [Paid Time Off \(PTO\) Benefit](#)
- Policy 3.08, [Short-Term Disability \(STD\) Benefit](#)
- Policy 3.09, [Long-Term Disability \(LTD\) Benefit](#)
- Policy 3.10, [Life Insurance Benefit](#)
- Policy 4.02, [Disabilities: Team Members & Persons Applying for Jobs](#)
- Policy 4.10, [Return to Work with Medical Restrictions](#)
- Policy 5.13, [Attendance](#)