

 Wake Forest™ Baptist Medical Center	<b>Family Medical Leave (FMLA) Policy</b>	Type: <b>Tier 2</b>
		Effective Date: <b>June 2013</b>
		Revised Date: <b>August 2017</b>
	Contact:	<b>Human Resources</b>
<b>Approval Signature:</b>		
<b>Typed Name and Title:</b>	Lilicia Bailey, Senior Vice President and Chief People Officer	

## 1) General Policy Statement

It is the policy of Wake Forest Baptist Medical Center to provide eligible staff/faculty members with job-protected leaves of absence for qualifying reasons, in accordance with the Federal Family and Medical Leave Act of 1993 (FMLA).

- a) Scope: All WFBMC staff and faculty
- b) Responsible Department/Party/Parties:
  - i. Policy Owner: Human Resources
  - ii. Procedure: Human Resources
  - iii. Supervision: Human Resources
  - iv. Implementation: Human Resources

## 2) Definitions

For purposes of this policy, the following terms and definitions apply:

- a) **WFBMC:** Wake Forest Baptist Medical Center and all affiliated organizations including Wake Forest University Health Sciences (WFUHS), North Carolina Baptist Hospital (NCBH), Davie Medical Center (DMC), Lexington Medical Center (LMC) and all on-site subsidiaries as well as those off-site governed by WFBMC policies and procedures.
- b) **FMLA:** The Family and Medical Leave Act of 1993 (FMLA) is a United States federal law requiring covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons.
- c) **Immediate Family Member:** A spouse, parent, biological child, stepchild, adopted child, foster child, or child(ren) for whom the staff/faculty member has legal responsibility and/or acts as the primary caregiver
- d) **Qualifying Exigency:** A need that arises when a covered military member is deployed. Employees who are family members of a covered military member may take FMLA leave to address these needs. Qualifying exigencies may include, but are not limited to, short-term deployment, military events and activities, child care, financial and legal arrangements, and post-deployment activities.

## 3) Policy

### a) Eligibility

To be eligible for FMLA leave, a staff/faculty member must have met the eligibility requirements as of the date the FMLA leave commences:

- i. Completed a total of at least one year of service with the Medical Center
- ii. Worked at least 1,250 hours during the last 12 months

**b) Types of FMLA Leave**

i. Medical and Family Care Leave

An eligible staff/faculty member may take up to a total of 12 weeks of unpaid leave during any rolling 12-month period for one or more of the following reasons:

- a. Birth and care of the staff/faculty member's newborn child
- b. Placement of a son or daughter with the staff/faculty member for adoption or foster care
- c. To care for an immediate family member who has a serious health condition
- d. For the staff/faculty member's own serious health condition

ii. Qualifying Exigency Leave

An eligible staff/faculty member may take qualifying exigency leave for any qualifying exigency arising out of the fact that the staff/faculty member's spouse, son, daughter, or parent (i.e., military family member) is on active duty (or has been notified of an impending call or order to active duty) for deployment to a foreign country. (Such qualifying exigency leave is available to staff/faculty members whose military family members are serving in the regular Armed Forces, National Guard, Reserves, or retired, reactivated Armed Services.)

iii. Military Caregiver Leave

An eligible staff/faculty member may take military caregiver leave to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

**c) Amounts of FMLA Leave**

i. The amount of FMLA leave varies with the type of leave.

- a. The total amount of all FMLA leaves (except for military caregiver leave) taken cannot exceed 12 weeks in any rolling 12-month period.
- b. Military caregiver leave cannot exceed 26 weeks in a single 12-month period, measured from the first day of the leave.
- c. The combined amount of medical and family care leave and qualifying exigency leave that a staff/faculty member uses will reduce the amount of military caregiver leave available within a single 12-month period. In other words, the 26 weeks available for military caregiver leave is reduced by any FMLA leave taken for other purposes during the 12-month period.
- d. The combined total of military caregiver leave and all other leaves under the FMLA cannot exceed 26 weeks in a single 12-month period.
- e. Medical and family care leave for the birth and/or placement of a child into a staff/faculty member's family for foster care or adoption must be taken within the 12 months immediately following the date of the birth or placement of the child.

- f. When a staff /faculty member has a spouse who also works at the Medical Center, the two staff/faculty members together are allowed a combined total of 12 weeks of FMLA leave in any rolling 12-month period for the birth or adoption of a child or to care for a parent with a serious health condition.

**d) Intermittent Leave**

- i. FMLA leave may be taken intermittently or as a reduced schedule when taken for a serious health condition of a staff/faculty member or immediate family member, provided that the need to do so is properly certified by a health care provider.
- ii. When intermittent leave is foreseeable and based on planned medical treatment, the Medical Center may require a staff/faculty member to transfer temporarily to an available alternative position for which he/she is qualified, if the position has equivalent pay and benefits and better accommodates recurring periods of leave than the staff/faculty member's regular position. FMLA may also be taken intermittently because of a need for qualifying exigency leave.

**e) Concurrent Leave**

If leave is taken for another reason or pursuant to another Medical Center policy, a staff/faculty member may also qualify for FMLA leave under this policy. (FMLA leave also runs concurrently with Workers' Compensation leave.)

**f) Health Benefit Continuation**

- i. A staff/faculty member who is on FMLA leave will continue to receive benefits coverage under the Medical Center's group health and dental plans at the level and under the conditions that the coverage would have been provided if the staff/faculty member had continued working.
- ii. If the staff/faculty member is on an unpaid FMLA leave and receives pay through another leave or benefit paid by the Medical Center, his/her portion of the benefit premiums will be paid through payroll deduction.
- iii. If the staff/faculty member is on unpaid FMLA leave, the staff/faculty member must submit payment of his/her share of the benefit premiums each month. If the employee portion of the premium is not submitted by the staff/faculty member each month, benefits may be terminated.

**g) Notice of the Need for FMLA Leave**

- i. A staff/faculty member must notify his/her supervisor of the need for leave at least 30 calendar days prior to the start of the leave when the leave is foreseeable.
- ii. If the need for leave is not foreseeable, the staff/faculty member must notify his/her supervisor of the need for leave as soon as practicable.
- iii. A request for leave may be denied or the start of leave may be delayed if proper notice is not given or if the Certification - Employee Form is not provided within 15 calendar days.

**h) FMLA Certification Forms**

- i. FMLA forms may be accessed from [Leaves of Absence](#).
- ii. When an FMLA leave is for a serious health condition of the staff/faculty member or his/her immediate family member, the staff /faculty member will be required to provide:
  - a. Employee Leave Request Form
  - b. Appropriate medical certification of the condition within 15 calendar days of the date the leave is requested:
    1. Certification - Employee Form
    2. Certification - Family Member Form
  - c. Subsequent medical certification of the condition may be required every 30 days or more frequently, if needed.
- iii. When an FMLA leave is for military exigency leave, the staff/faculty member will be required to provide:
  1. Employee Leave Request Form
  2. Certification - Qualifying Exigency Form
- iv. When an FMLA leave is for military caregiver leave, the staff/faculty member will be required to provide:
  3. Employee Leave Request Form
  4. Certification - Covered Service Member Form

**i) Supervisor Response**

When a supervisor receives a request for a leave of absence that may qualify as FMLA leave, the supervisor must contact Leave of Absence Administration to report the leave.

**j) Return to Work**

- i. A staff/faculty member returning from an FMLA leave within the 12-week job-protected period will be returned to the same position or a position comparable in pay, status, and all other terms, conditions, and privileges.
- ii. The staff/faculty member must provide a completed Release to Return to Work Form to Leave of Absence Administration prior to return.

**4) Questions**

Questions regarding how the policy applies to a specific situation should be directed to Leave of Absence Administration, 336-716-3334 or [loaa@wakehealth.edu](mailto:loaa@wakehealth.edu).

**5) Related Policies and Resources**

- a) [Leaves of Absence \(Forms\)](#)
- b) [Workers' Compensation Policy](#)

## **6) Review/Revision/Implementation**

- a) Review Cycle: This policy shall be reviewed by Human Resources at least every three years from the effective date.
- b) Office of Record: After authorization, the Legal Department shall house this policy in a policy database and shall be the office of record for this policy.