

Creating



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Policy and Procedure # 662

Family and Medical Leave Act

Approval: /S/ Dani Cook

Effective Date: 11/20/2023

POLICY:

Any employee who has worked for EFI a total of 12 months and a minimum of 1,250 hours in the previous 12 months is eligible for up to 12 weeks of **unpaid** Family and Medical Leave (FML) during a 12-month rolling period. This means that each time an employee requests this leave, any FML qualified leave the employee has already taken in the previous 12 months is subtracted from the original 12 weeks permitted. An employee requesting FML will be provided specific information regarding the Family and Medical Leave Act (FMLA), including but not limited to: requesting leave, qualifications for FML, notice and certifications of leave and job restoration after FML is exhausted. Use of FML will not impact future employment consideration (e.g., promotions, benefits, or discipline).

REFERENCE:

Family and Medical Leave Act (FMLA): Title 29, Part 825
WAC 296-130-10 through WAC 296-130-35
RCW 49.12.265, 49.76, 49.77, 49.78

PROCEDURE:

1. Family and medical leave will be granted for up to 12 workweeks for the following reasons:
 - A. Birth of a child or to care for the newborn child within one year of birth;
 - B. Placement of a child for adoption or foster care and to care for that child within one year of placement;
 - C. Victims of Domestic Violence, Sexual Assault, or Stalking;
 - D. To care for an immediate family member (spouse, child, or parent, parent-in-law, grandparent) with a serious health condition;
 - E. When the employee is unable to work because of a serious health condition.
 - F. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".
 - G. When during a period of military conflict, an employee who is the spouse of a member of the armed forces of the United States, national guard, or reserves who has been notified of an impending call or order to active duty or has been deployed.
 1. The employee is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment.

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2. Notice must be provided to the employer within 5 days of receiving official notice of an impending call or order to active duty or a leave from employment.
2. Family and medical leave will be granted for up to 26 workweeks during a single 12 month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military care giver).
3. Certification, and periodic re-certification, from the employee's (or immediate family member's) health care provider may be required. Second or third opinions may be requested at EFI's expense.
4. An employee requesting FML should provide 30 day advance notice whenever possible.
5. When there is planned medical treatment for an employee's own illness or that of an immediate family member, the employee must try to schedule treatment so as not to unduly disrupt EFI's operations.
6. Spouses employed by EFI are **jointly** entitled to a **combined** total of 12 work weeks leave for childbirth, adoption or placement of a foster child. Spouses are entitled to the full 12 weeks each for caring for each other, their child, or themselves during a serious illness.
7. For purposes of FMLA leave, "immediate family member" is defined as the employee's child, spouse or parent. Child includes an employee's biological, adopted, step-child, foster child or legal ward that is under the age of 18 or age 18 or older and "incapable of self-care because of a mental or physical disability". A parent is defined as a biological, adoptive, step or foster father or mother, parent-in-law and grandparent.
8. Employees may take leave in extended blocks of time, intermittently, or by reducing his/her work day or work week, under some circumstances.
 - A. Intermittent leave or reduced work hours for birth or placement of a child is subject to administrative approval.
 - B. Medical leave for self or immediate family member may be taken as needed.
9. If intermittent leave may create an undue hardship on the employee's regular department, a temporary transfer with the same wage and benefits may be arranged, so as to better accommodate the employee.
10. Employees may be required to use accrued Personal Time benefits during FML.

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11. All FM leaves lasting longer than 5 working days shall be applied toward the employee's 12 week allotment. Shorter term, frequent and/or intermittent FM leaves may be applied toward the employee's 12 week allotment.
12. An employee on leave will be maintained on EFI's group medical insurance at employed status.
 - A. If applicable, arrangements will be made for an absent employee to pay their share of medical benefits while on leave. If these payments are not made EFI may discontinue medical coverage. The grace period for making the first payment towards medical coverage is 30 days.
 - B. An employee who does not return to employment at the end of his/her unpaid FML may be charged for health benefit expenses incurred by EFI while they were on leave. Exceptions may be made in a situation beyond the employee's control, or if the reason for not returning to employment is a continuation, recurrence, or onset of a condition which would qualify the employee for FML, as defined by the FMLA.
 - C. Health benefits will be terminated (except pursuant to COBRA requirements) if notice is received of the employee's intent not to return to work.
13. Progress reports regarding the employee's status and intent to return to work may be requested.
14. In the event of FML for personal illness, the returning employee will be required to provide certification from his/her health care professional that he/she is fit for duty or specifying any physical considerations for returning to work.
15. Upon returning from FML, an employee will be reinstated to his/her original job, or to a comparable job with equivalent pay, benefits, and other employment terms and conditions, as if there had been no disruption of employment.
16. Under the FMLA a "key" salaried employee may be denied reinstatement following a leave, if at the time of the request it was explained that the employee qualifies as "key personnel" and that reinstatement would create verifiable "substantial and grievous economic injury to EFI's operations".
17. Employees who are unable to return to work and have exhausted their 12 weeks of FML in the designated 12 month period may not be eligible for FMLA protections or job restoration.
18. Exempt employees (all salaried employees at EFI are exempt) eligible for and covered by the FMLA, who are released by their health care professional to less than full time employment may have their salary reduced at a percentage amount equal to their reduction in work week hours.

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19. Employees who are on unpaid FMLA leave will not receive holiday pay for any holidays that occur during their period of leave.
20. If an employee is taking intermittent FMLA leave and a holiday occurs within the week in which they are on leave for less than a full week, the holiday will not be counted as FMLA leave, and the employee will be eligible for holiday pay.