

**ROANOKE CHOWAN COMMUNITY HEALTH CENTER  
POLICY/PROCEDURE**

<b>MANUAL:</b> <b>Human Resources</b>	<b>SUBJECT:</b> Family and Medical Leave Act
<b>EFFECTIVE DATE:</b> January 1, 2010	<b>PAGE:</b> 1 <b>OF:</b> 8
<b>ADOPTED FROM:</b> CAI HR, Compliance & People Development <b>REVIEWED BY:</b> RCCHC Compliance Workgroup	<b>SUPERSEDES:</b> January 1, 2010
	<b>DATES OF REVISION:</b> May 5, 2010, August 2, 2017
<b>Board Approval Signature:</b>	<b>Date:</b>

**I. POLICY:**

Under the Family and Medical Leave Act of 1993, as amended (FMLA), employees may be eligible for a period of job-protected unpaid leave for certain family and medical reasons as described below. This Family Medical Leave Act Policy ("Policy") provides an overview of employees' rights and responsibilities under the FMLA as well as RCCHC's own policies regarding FMLA Leave.

**General Eligibility**

Employees are eligible for a covered FMLA job-protected leave if they have worked for the Company for at least 12 months, worked 1250 hours over the previous 12 months, and if the employee works at a company worksite in which has at least 50 employees within 75 miles.

**Basic Leave Entitlement**

Eligible employees may take up to 12 weeks of unpaid, job protected leave for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care, or
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

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**Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent who is a covered military member may use their 12-week entitlement to address certain qualifying exigencies. For a member of the Regular Armed Forces, covered active duty or call to covered active duty status means duty during the deployment of the member with the Armed Forces to a foreign country. For a member of the Reserve components of the Armed Forces (members of the National Guard and Reserves), covered active duty or call to covered active duty status means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

Qualifying exigencies may include attending certain military events; arranging for alternative childcare or to attend certain school activities; arranging for alternative parental care; addressing certain financial and legal arrangements; attending certain counseling sessions; rest and recuperation leave; and attending post deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember or veteran during a single 12-month period. Caregiver leave applies to a spouse, son, daughter, parent or next of kin of a covered servicemember.

A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Serious injury means an injury or illness that was incurred in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

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A covered veteran is a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for a covered veteran means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

"Spouse" means a husband or wife. "Child" means biological, adopted, or foster child, a stepchild, legal ward, or a child being raised by the employee. The child must be either under 18 years of age, or 18 and older and incapable of self-care because of a mental or physical disability for Basic Leave Entitlement; for Military Leave Entitlement, the child may be of any age.

"Parent" means biological parent, or a non-biological parent who had primary responsibility for raising the employee. This term does not include "parents-in-law." Next of kin of a covered servicemember means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, unless the covered servicemember has designated a specific blood relative in writing for purposes of military caregiver leave under FMLA.

**Amount of Leave and Leave Period**

Eligible employees may take up to 12 weeks of FMLA leave during a calendar year, defined as the 12-month period measured from January 1 to December 31 (calendar year).

Employees are entitled to up to 26 weeks of leave in a 12 month period measured forward for Military Caregiver Leave Entitlement.

(Note: Spouses working for the company may only take a combined total of 12 weeks for the birth, adoption, or placement of a child into foster child, or to care for a parent with a serious medical condition; or a combined total of 26 weeks to take leave to care for a covered servicemember.)

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**Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Company's normal call-in procedures.

Employees must provide sufficient information for the Company to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform us if the requested leave is for a reason for which FMLA leave was previously taken or certified.

**Notification of Eligibility**

The Company will inform an employee requesting FMLA leave whether the employee is eligible under the FMLA. If the employee is eligible, the notice to the employee will specify additional employee rights and responsibilities. In addition, the Company will inform the employee if the leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employee is not eligible, the Company will notify the employee that the leave is not FMLA-protected and provide a reason for the ineligibility

**Medical Certification**

For leave for medical reasons, medical certification by the health care provider must be obtained and submitted within 15 calendar days of an FMLA request. Leave may be denied if the certification is not timely submitted, is incomplete, or insufficient. If the certification is timely received but is incomplete, you will be advised of information needed and given seven days to provide the required information to enable the Company to make a decision. Leave may be denied if you do not provide this information. The Company may request a second medical opinion and designate the health care provider if the certification is questionable. If the first and second medical opinions differ, we may require a third opinion which will be final. Any required second and third certification expenses will be paid by the Company.

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Medical recertification may be requested every 30 days unless the original certification was for a longer period, or circumstances have changed significantly. In all cases, we may request a recertification of a medical condition every six months in connection with an absence by the employee. Recertifications may be requested under other circumstances as specified in FMLA regulations.

Upon return, the employee must submit to Human Resources medical certification of her/his ability to return to work. The Company may deny work to personnel failing to provide valid fitness for duty certificates. Employees taking FLMA leave must contact Human Resources every two weeks. The employee is required to periodically report her/his intention to return to work.

**Certification of Need for Military Leave**

The Company will require certification of the need for Military Exigency Leave and Military Caregiver Leave. Employees requesting such leave must provide certification within 15 days absent unusual circumstances. Failure to do so may result in delay or denial of FMLA leave.

**Intermittent Leave**

Leave may also be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the company's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees requiring intermittent or reduced leave for foreseeable medical treatment for their own or a family member's serious health condition may be temporarily reassigned during the leave period to a position with the same pay and benefits that better accommodates a reduced or intermittent schedule.

**Substitution of Paid Leave**

Employees must substitute any short-term disability benefits, workers compensation benefits, or accrued vacation or personal time for any otherwise unpaid FMLA medical leave for the employee's own serious health condition. All substituted accrued vacation or personal time, and any days for

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which an employee receives either short-term disability payments and/or workers compensation payments, will be counted against an eligible employee's FMLA leave entitlement.

For all other types of FMLA leave, employees must substitute accrued vacation or personal leave for any otherwise unpaid part of the leave. All substituted accrued vacation or personal time will be counted against an eligible employee's FMLA entitlement.

FMLA leave is unpaid except for the following: employees will be required to take any applicable vacation for any unpaid FMLA leave (where allowed by law), and must take any accrued sick pay for leave involving their own illness. In addition, employees may qualify for short-term disability payments; or may be receiving workers' compensation benefits for a condition that also qualifies for FMLA leave under this policy. Any paid leave that qualifies under this policy will be designated FMLA leave and will run concurrently with it.

**Benefits**

During FMLA leave, the Company will maintain health coverage under our group health plan on the same terms as if the employee continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

When an employee is out on leave that is protected by the Family Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses all paid leave in accordance with the company's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the company's policy for all types of unpaid leave.

If the employee fails to return from the FMLA leave, the Company **may** recover from the employee any health insurance premiums it paid during the leave on behalf of the employee. In addition, if the employee fails to return to work after the expiration of the FMLA leave, the employee may be required to reimburse the Company for the Company's share of health and/or dental insurance premiums paid during the period of unpaid leave, unless the employee does not

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return to work because of: 1) the continuation, recurrence, or onset of a serious health condition either affecting the employee or the employee's family member which would otherwise entitle the employee to leave under the FMLA, or 2) certain circumstances beyond the employee's control.

**Status After Leave**

Employees who return to work within or on the business day following the expiration of the approved leave will be returned to their job or an equivalent position with the same benefits or pay. However, employees on leave will have no greater right to reinstatement than if they had been actively employed. If the need for leave was due to the employee's own serious health condition, the company will require that the employee provide medical certification that they are able to return to work. You may obtain a "fitness-for-duty certification form" from Human Resources.

**Other Provisions**

Any intentional misrepresentation to obtain or continue a leave of absence constitutes grounds for immediate termination.

**Miscellaneous FMLA Information**

The FMLA makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA; and discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to the FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA 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.

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**More Details**

To apply for the leave, or for more details about this policy, contact the Human Resources Department.

**This Policy and Procedure shall be reviewed periodically and updated consistent with the requirements established by the Board of Directors, RCCHC’s senior management, Federal and State law and regulations, and applicable accrediting and review organizations.**

Responsible Parties:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
CEO

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Chief Medical Officer

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Compliance Officer/Human Resource Manager