

## **FAMILY AND MEDICAL LEAVE**

It is the policy of Challenge to comply with the provisions of The Family and Medical Leave Act of 1993. The organization will grant up to twelve (12) weeks of family and medical leave (FML) during a twelve (12) month period to eligible employees for qualifying events. If an employee and spouse are employed within the organization, please see Human Resources for more information. Employees are eligible for FML if they have completed at least one (1) year of service immediately preceding the start of leave and have worked at least 1250 hours within the last year (PTO does not count toward the 1250 hours worked). The employee must give Challenge thirty (30) days advance notice of a leave request whenever situations permit. **Benefit time will be used toward FML FIRST, with the remainder of the leave unpaid, depending upon the benefit status of the employee(s).**

Challenge defines the twelve (12) month period as a rolling twelve months beginning with, and prior to the date FML begins.

Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child
  - to bond with the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care
  - to bond with the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - 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;" **or**
- Twenty-six workweeks of leave 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 caregiver leave).

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Challenge shall maintain an employee's health insurance coverage during FML at the same level and co-payment that was in effect prior to the FML. Contributions may be taken directly through payroll deduction if the employee continues his/her salary (by using benefit time) during FML. If the leave is unpaid, the employee will be responsible for any premiums to continue benefit coverage. Failure to pay premiums will jeopardize the employee's continuation of coverage.

Upon return from FMLA leave (12 weeks), most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. If an employee is unable to return to work after the allotted 12 weeks off, Challenge may not have another position available to offer when the employee becomes well enough to return to work at a later date and employment will end.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FML leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA. Employees may file a complaint with Challenge's Compliance Officer if an employee feels they are being treated unfairly regarding their FMLA rights, or any employee rights violation.

**Employees and supervisors must contact the Human Resources department to determine eligibility. If eligible, HR will notify employees their rights, responsibilities, benefit time available and steps to follow while using FML. If not eligible, HR will provide a reason. For more detailed information, HR will provide the employees' guide to FMLA.**

Employees do not have to share a medical diagnosis, but must provide enough information to Human Resources so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform Human Resources if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Human Resources can require a certification or periodic recertification supporting the need for leave. If Human Resources determines that the certification is incomplete, written notice indicating what additional information is required will be provided.

NYS Short Term Disability is available as a supplemental income for employees who are utilizing FML for themselves; it cannot be used for family members. Benefit time will be used in addition to Short Term Disability income during FML.

FML will run concurrently with Workers' Compensation absences.

FML misuse, abuse or fraud will result in disciplinary up to and including termination.

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