




HUMAN RESOURCES POLICY/PROCEDURE	
OFFICE OF PRIMARY RESPONSIBILITY: Human Resources	EFFECTIVE DATE: 10/01/2023 Revision Date: N/A Replaces: Military Leave (HR-023), Exempt Employees – Administrative Days (HR-019), Family and Medical Leave Act Policy (HR-003), Holiday (HR-021), Sick Leave Policy (HR-029), Vacation
SUBJECT: Employee Leave Benefits	
Approved By  _____ Tiffany Homler Hawkins Chief Executive Officer, LYNX	

SCOPE:

This Policy is implemented in accordance with the Authority’s Administrative Rule 3 which governs Human Resources. With respect to Authority employees who hold positions represented by the Amalgamated Transit Union (Local 1749 and Local 1596), to the extent there is a discrepancy between a policy or practice in this Policy, or a separate governing Administrative Rule, and a provision within the operative collective bargaining agreement (“CBA”), the CBA shall prevail only with respect to specific provisions relating to an employee represented through such an agreement.

POLICY:

Leave/ Leaves of Absence

Leave and Requests for Leave Generally. The Authority believes that providing time away from work to its employees to relax, to recuperate, to address family and/or personal matters, and to attend to civic duty and military obligations is critical to the ongoing health and wellbeing of both the employee and the organization. It is therefore the policy of the Authority to provide employees the opportunity to balance their work and family life by taking leave for certain qualifying reasons as provided for herein.

Employees are required to submit all requests for leave to their supervisors or when it relates to Family and Medical Leave (FMLA), to Human Resources.

Unpaid Leave of Absence. After an eligible employee has exhausted their paid vacation and sick leave, and where an employee is not eligible for FMLA leave or has exhausted such leave, for certain extenuating circumstances, the Authority may grant an unpaid leave of absence to an eligible employee. The decision to grant a leave of absence will be based on the business needs of the Authority, the circumstances of the employee's requested leave and any federal or state law requirements governing such leave. Human Resources and the employee’s Department Director as applicable, must approve the leave. Only those employees who have at least six (6) months of consecutive service with the Authority will be



eligible for consideration of a leave, unless the law requires otherwise, such as to accommodate a qualified disability.

Unless the law requires otherwise, generally, the maximum amount of time that will be granted for an unpaid leave of absence is thirty (30) days; however, in special circumstances as determined by the Authority in its discretion, or if required by law, a request for unpaid leave in excess of 30 days may be granted. Requests for a reduced leave schedule or intermittent leave will be provided if required by law, such as to accommodate a qualified disability.

All requests for a leave of absence must be made in writing and are to be submitted confidentially to their Manager and/or Human Resources. The written request must indicate the reason for the leave, the duration of the leave, and the starting and anticipated ending dates of the leave. The Authority may require written medical or other appropriate verification to confirm the need for the leave. Upon returning from a leave, medical documentation is required in the way of a medical certification, confirming that the employee is able to return to work stating that the employee is able to perform the duties of the position for which the employee was hired or indicating work limitations, if any, and the duration of those limitations. The essential job functions are available from Human Resources. It is the employee's responsibility to obtain these documents from Human Resources.

An employee must provide thirty (30) calendar days advance notice when the need for the leave of absence is "foreseeable." For instance, if medical treatments or other events are planned. An employee that fails to give the required thirty (30) calendar day advanced notice for foreseeable leave may have their request denied or the leave delayed until thirty (30) calendar days after the date the employee provides the required notice. In emergency situations, a written request must be submitted as soon as possible.

No benefits will accrue while an employee is on an unpaid leave of absence under this policy. Paid holidays are not provided to an employee who is on leave. If the leave is approved, the employee will be advised as to his or her responsibility to make premium payments to continue the employee's health insurance coverage (COBRA) during the leave of absence. The employee's supervisor will complete the appropriate Employee Change Form to notify Human Resources when an employee is going on an unpaid leave of absence.

Upon the expiration of the leave, the employee may be returned to their former position, if available. If the employee's position is not available, the employee may be offered another position, if available, for which they are qualified. This may be at a different pay rate. If no position is available (for which the employee meets the job qualifications for) when the employee is able to return to work, the employee will be terminated and may then apply for the next available position for which they meet the job qualifications for. Absent special circumstances, employees whose leave lasts longer than the approved time, will be separated from employment, and employees who fail to return from leave will be presumed to have resigned. Employees, who refuse a job offer, even if it is a different job at a lower pay rate, will be separated from employment.

Administrative Leave. On an annual basis, all unrepresented employees (excluding regular part-time and temporary unrepresented employees) who are exempt from the overtime provisions of the FLSA and who are not on a performance improvement plan will receive up to five (5) days of Administrative Leave annually based on the following:



Directors and Above – 5 days

Managers and Senior Managers – 4 days

All other exempt Administrative employees – 3 days

To qualify for Administrative Leave, employees must have worked 1200 hours in the previous year (except for employees hired within the previous calendar year) and must have maintained satisfactory performance during the same period. Employees hired within the previous calendar year will earn Administrative Leave on a pro-rata basis provided they worked enough hours to earn a minimum of eight (8) hours of Administrative Leave.

Administrative Leave shall be granted on January 1 of each year. Administrative Leave must be used in the calendar year in which it is granted and may not be cashed out or carried forward to the following year.

Military Leave. The Authority will comply with all federal and state laws regarding military leave. Employees who are reserve members of the United States military or who are members of the Florida National Guard shall be entitled to an appropriate leave of absence from their respective duties for such time as they are ordered to military service or field training status in accordance with applicable federal and state laws.

Employees who are reserve members of the United States military or who are members of the Florida National Guard shall be entitled to paid military leave not to exceed 17 working days in a one-year period for training ordered under the provision of the U.S. military or naval training regulation for such persons.

An employee who serves in the Florida National Guard is eligible for paid military leave not to exceed 30 calendar days at any one time for periods of active state duty pursuant to Fla. Stat. §§ 250.28 or 252.36.

Eligible employees may request Military Leave at any time following their date of hire. Employees called to active/training duty or to Reserve or National Guard training, or who volunteer for same, must submit copies of their military orders for active or reserve duty to the Human Resources Director as soon as possible (unless the employee is unable to do so because of military necessity, or because it is otherwise impossible or unreasonable) so the appropriate arrangements may be made. Employees should advise the Human Resources Director of their training schedule and/or other related military obligations (such as for an examination to determine fitness to perform service) as far in advance as possible.

Bereavement Leave. Administrative Employees may take up to five (5) days off with pay in the event of a death of an immediate family member who is defined as the employee's spouse, children of either spouse, parents of either spouse, grandparents or great-grandparents of either spouse, brother, sister, brother-in-law or sister-in-law or uncle or aunt of the employee.

Leave for Jury Duty and Authority Legal Proceedings. Administrative Employees required to serve on a jury will be paid their regular wages during their jury service, calculated as if they had worked their regular shift. Employees who are summoned for jury duty must immediately notify their supervisor of their anticipated absence and provide a copy of the jury summons to their Manager. Employees must immediately return to work following their completion of jury service. If the Authority requires an



Employee to attend legal proceedings involving the Authority, the Employee will be paid for their regularly scheduled shift.

Domestic Violence Leave. Florida law requires the Authority to allow employees to take three (3) working days of leave within a 12-month period if the employee or a family or household member is the victim of domestic violence and if the leave is sought for specific reasons related to the domestic violence. (741.313, F.S.) Employees should direct requests for domestic violence leave to Human Resources.

Vacation Policy

Authority Administrative employees who meet the eligibility and use requirements pursuant to applicable laws and regulations and then-current Authority policies and procedures are eligible to accrue paid vacation leave as a part of the then-current Authority’s employment benefit package.

Appointed Positions; Negotiated Accrual Rate. The Authority CEO reserves the right to adjust the annual accrual of vacation leave to Employees in appointed positions as part of a hiring agreement.

All regular full- and part-time Administrative employees are eligible for vacation leave. All vacation leave accrual is based upon the employee's length of service. Vacation accrual begins on the first day of full- or part-time employment and may not be taken until at least six (6) months of employment has been completed without a break in service. Vacation will be paid at the employee's base rate at the time the leave is taken. Vacation pay does not include overtime or any special forms of compensation such as shift differentials. On an annual basis, upon written request to Human Resources (on the approved form) an Administrative employee may receive a maximum of forty (40) hours of vacation pay in lieu of taking the time off.

If a holiday falls during the employee's approved paid vacation leave, the day will be charged to holiday pay, as applicable, rather than vacation pay.

Vacation Accrual Schedule

Regular full-time Administrative employees will accrue paid vacation leave according to the following:

	<u>Annual Accrual</u>	<u>Per Pay Period</u>
Less than 5 years of service	2 weeks (10 days)	3.08 hours
5 to 9 years of service	3 weeks (15 days)	4.62 hours
10 to 14 years of service	4 weeks (20 days)	6.16 hours
More than 15 years of service	5 weeks (25 days)	7.70 hours

Regular part-time Administrative employees who work at least 20 hours per week (1,040 hours per year) are eligible for vacation on a pro-rata basis. The length of the vacation will be determined on the same basis as for regular full-time Administrative employees but accrued at one half the accrual rates as accrued by a full-time Administrative employee. Regular part-time Administrative employees working less than 20 hours per week, temporary/casual workers and student interns are not eligible for and do not receive paid vacation time.



Regular part-time Administrative employees will accrue paid vacation leave according to the following:

	<u>Annual Accrual</u>	<u>Per Pay Period</u>
Less than 5 years of service	1 week (5 days)	1.54 hours
5 to 9 years of service	1.5 weeks (7.5 days)	2.31 hours
10 to 14 years of service	2 weeks (10 days)	3.08 hours
More than 15 years of service	2.5 weeks (12.5 days)	3.85 hours

Directors and above will accrue paid vacation according to the following:

	<u>Annual Accrual</u>	<u>Per Pay Period</u>
Less than 5 years of service	3 weeks (15 days)	4.62 hours
5 to 9 years of service	4 weeks (20 days)	6.16 hours
10 or more years of service	5 weeks (25 days)	7.70 hours

Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the Human Resources Department.

Vacation Bank and “Use or Lose”. Regular full-time and part-time Administrative employees are allowed to “bank” up to two (2) times their annual accrual of vacation time. As noted above, on an annual basis. All employees with vacation leave in excess of the allowed time in their vacation “bank” must use the excess by the last day in the **26th pay period of each calendar year or lose it prior to the start of the next pay period.** **Lost vacation time has no cash value and is not paid out to an employee.**

Please be advised: the 26th pay period of the calendar year coincides with the LYNX payroll calendar and does not necessarily fall in the last two weeks of December.

Vacation Rate of Pay. Vacation pay for regular full-time and part-time Administrative employees will be paid at the employee’s regular rate of pay and for the number of hours normally scheduled to work for the vacation period and generally will be paid on the regularly scheduled payday.

Request for Vacation Leave. To request vacation leave, employees should submit vacation requests to their supervisor at least two (2) weeks in advance of the requested vacation date. Employees must ensure that they have enough accrued vacation leave available to cover the dates requested. Employees are also responsible for tracking their “use or lose” balance and scheduling their time appropriately. Employees may use vacation in full day or half-day segments only. Management reserves the right to designate when some or all vacations must be taken.

Requests will be approved based on a number of factors, including but not limited to organization / department operating and staffing requirements. The supervisor will approve / deny the request within a reasonable amount of time (ideally within 3 business days). In the event the request is denied, the supervisor will provide an appropriate reason on the request.

Management reserves the right to rescind approved vacation when it is in the best interest of the Authority to do so. In the event vacation has been scheduled and rescinded based on business need



and the employee is in jeopardy of “use or lose” situation a reasonable exception will be made. A request must be submitted by the employee to their supervisor who forwards the request to the head of the department, and then the department head submits it to the CEO for final approval.

Accruals and Use During Leaves of Absence. Employees continue to accrue vacation while on paid leave and unpaid FMLA leave, but do not accrue vacation leave time while out pursuant to the Authority’s Unpaid Leave of Absence Policy. Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid time as part of the leave.

Termination. If employment is terminated, accrued unused vacation leave that has been accrued through the last day of active employment will be paid at the employee’s base rate of pay at termination up to the cap of up to two (2) times the employee’s annual accrual of vacation time. Any amounts in excess of the cap is not paid out and has no cash value. In the event of the employee’s death, the accrued unused vacation leave (up to the cap) will be paid to the employee’s estate or designated beneficiary.

Holidays. If a designated holiday falls within an employee’s vacation period, the employee will be paid holiday pay, if eligible, for the holiday. All employees eligible for holiday pay must declare the holiday on the timesheet that they turn in at the end of the pay period in which the holiday occurred.

Holiday Policy

The Authority designates and observes certain days each year as Holidays. Eligible Employees on the Authority’s active payroll are entitled to the following paid Holidays:

New Year’s Day	January 1 st
Martin Luther King, Jr.’s Birthday	3 rd Monday in January
Memorial Day	Last Monday in May
Juneteenth	June 19 th
Independence Day	July 4 th
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day After Thanksgiving	The Friday following Thanksgiving Day
Christmas Day	December 25 th
Employee’s Birthday	Annual floating paid day off, available on or after the Employee’s birthday. Forfeited if not used prior to birthday of the following year.
Employee’s Employment Anniversary	Annual floating paid day off, available on or after the anniversary of your hire date. Forfeited if not used prior to next anniversary date.



A holiday that occurs on a Saturday or Sunday will be observed the preceding Friday or following Monday.

Eligibility. Part-time employees working less than twenty (20) hours per week, temporary/casual employees, and student interns are NOT eligible to receive holiday pay.

Non-Exempt employees.

- If you are not required to work on the holiday, you will be paid holiday pay at your regular pay rate for the number of hours normally scheduled to work on the workday.
- If you are required to work on the holiday, you'll be paid your regular wages for hours worked, and at management's discretion you may either (1) receive additional holiday pay at your regular pay rate for the number of hours you are normally scheduled to work on a workday, or (2) choose another day off (for the number of hours you were scheduled to work on the holiday) within the same workweek as a substitute holiday.

Holidays will not be calculated as time worked for purposes of calculating overtime compensation.

Exempt employees. Exempt employees who are **required** to work during the holiday, will receive their regular day's wages plus a day off that must be used within thirty days after the holiday, at management's discretion. This may be waived by the Department Director, if, at the convenience of the department, the employee cannot be relieved from duty within 30 days after the holiday. Exempt employees who do not work on the holiday will be paid their regular day's wages for the holiday.

Holiday on Leave Day. Holidays which occur during scheduled vacation leave, shall be charged to holiday leave and not to vacation leave. When a holiday falls within a period of a leave of absence without pay, the employee will not be paid for the holiday. An employee who is scheduled to work on the day observed as a holiday and who calls in sick will be required to submit a doctor's note upon their return to work to receive holiday pay. If a doctor's note is not provided upon the return to work, the employee will be charged with sick leave and will not receive pay for the holiday. In order to receive holiday pay, an employee who is eligible for holiday pay must declare the holiday on the timesheet that they turn in at the end of the pay period in which the holiday occurred.

Sick Leave

Full-time or part-time Administrative employees, working at least 20 hours per week, are covered by this Sick Leave policy. With each continuous month of employment full-time employees earn one full day of paid sick time or 4 hours if part-time, that can be used because of illness or injury.

Employees continue to accrue sick leave while on paid leave and unpaid FMLA leave, but do not accrue sick leave time while out pursuant to the Authority's Unpaid Leave of Absence Policy. Employees on a leave of absence, other than a military leave of absence, are required to use all accrued paid sick time as part of the leave.

In order for an employee to be eligible to use sick leave, the employee must meet the requirements for call-in as established by their particular department. The general rule is for an employee to contact their supervisor at least one-hour before the employee's start time, or as soon as possible before the employees' report to work time.



In the event an employee is absent for three (3) consecutive work days, the supervisor may, at their discretion, request a note from the employee's physician verifying the employee's illness.

Administrative employees have the option to cash-in sick hours that have been accumulated in excess of 300 hours or 150 hours part-time. Cash-in may be requested in segments of 8 hours up to the cap of 96 hours. Cash-in may be requested during the month of October for payment in November. The cash-in form is available from Human Resources or Payroll during October each year.

An Administrative employee, who resigns in good standing, may be eligible to cash in up to 96 hours of sick leave. Any employee who is terminated from Authority employment, for any reason, will not be eligible to cash in any sick leave hours.

An employee who attains the age of 62 years and elects to retire from their employment with Authority, will be paid for all accrued and unused sick leave pursuant to the schedule below, or up to a maximum of 96 hours, whichever is greater:

- 0 to 9 years of service 50%
- 10 to 14 years of service 60%
- 15 to 19 years of service 75%
- 20 or more years of service 100%

Family Medical Leave

The Authority provides Eligible Employees with leave in accordance with the federal Family and Medical Leave Act ("FMLA"). A copy of the Authority's FMLA Policy is attached as Appendix A. Employees who wish to request FMLA Leave or who have questions regarding the FMLA or the Authority's FMLA policy should contact Human Resources.

Exceptions:

Any exceptions to this policy must be pre-approved by the Chief Executive Officer.

Appendix A to Employee Manual**Family and Medical Leave Act Policy****SCOPE AND AUTHORITY**

This policy applies to all employees of the Authority. All employees are directed to review the Department of Labor Notice to Employees referenced as "Employee Rights and Responsibilities Under the Family and Medical Leave Act" (WHD Publication 1420) included at the end of this policy and incorporated herein.

POLICY

It is the policy of the Authority to provide eligible employees with leave for certain qualifying reasons, including for qualifying basic leave and military family leave, in accordance with the FMLA. The leave is without pay, pursuant to the conditions set out in this policy.

DETERMINATION OF LEAVE PERIOD

The Authority will grant eligible employees up to 12 weeks of Basic Leave (explained below) or unpaid Qualifying Exigency Leave, during a "rolling" 12-month period measured backward from the date an employee uses any Family and Medical Leave.

The Authority will grant eligible employees who are qualified military Caregivers (explained below) up to 26 weeks of family and medical leave, during a "rolling" 12-month period, measured forward from the first day of such leave.

Eligible employees taking time off to care for a Covered Servicemember or Covered Veteran are limited to a combined total FMLA leave of twenty-six (26) weeks.

Employees with questions or complaints regarding the FMLA should contact Human Resources.

ELIGIBILITY

To be "eligible" for FMLA leave under this policy, an employee must meet all of the following conditions:

- Be currently employed by the Authority;
- Have worked for the Authority for at least 12 months;
- Have worked for at least 1,250 hours during the 12 month period preceding the start of the leave and/or was on a leave of absence from work due to or necessitated by USERRA-covered service); and
- Is employed at a job site where there are 50 or more employees within a 75 mile radius.

REASONS FOR LEAVE

In accordance with applicable regulations and the FMLA the following types of leave are provided:

1. Basic Leave: Eligible Employees will be granted a total of up to 12 weeks of unpaid leave for the following reasons:

- a. Care for the employee's child following birth, or placement with the employee of a child for adoption or foster care.

This leave applies equally to male and female employees. The father, as well as the mother, can take FMLA leave for the birth, placement for adoption or foster care of a child. However, an expectant mother may also take FMLA leave before the birth of a child for prenatal care or if her condition makes her unable to work as explained in subsection c below.

An employee may be entitled to take FMLA leave prior to the actual placement or adoption of a child if his/her absence from work is required for the placement for adoption or foster care to proceed.

Leave taken in connection with the birth, adoption or placement of a child for foster care or the care of a child following birth, adoption or placement of a child for foster care must be concluded within a 12-month period beginning on the date the qualifying event occurs. For family/bonding leave, LYNX only allows consecutive leave. Intermittent leave will not be granted.

- b. Care for an immediate family member (spouse, child, parent) with a serious health condition.

An employee can take leave for the care of a spouse (includes lawful same sex marriages), son, daughter, parent (but not a parent-in-law), or "in loco parentis" parent when it can be medically certified that the family member has a "serious health condition" and the employee is "needed to care for" the family member.

- c. Employee's own serious health condition that renders the employee unable to perform one or more essential functions of his or her job (including for incapacity due to pregnancy, prenatal medical care or childbirth).

An employee can take leave when it can be medically certified that "the employee is unable to perform the functions of his/her position," as a result of a "serious health condition" stemming from an injury or illness which occurred on or off the job. FMLA leave may be taken on an intermittent or reduced schedule basis when it can be certified that a medical necessity for such leave exists.

2. Military Family Leave:

- a. Military Caregiver Leave: Eligible Employees will be granted a total of up to 26 weeks of unpaid leave to care for a Covered Servicemember or Covered Veteran. An employee requesting this type of leave must provide the Certification of Serious Injury or Illness of the Covered Servicemember – For Military Family Leave or the Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. These certifications are not tied to a serious health condition as for other types of leave. In order to take leave to care for a Covered Servicemember or Covered Veteran, the Eligible Employee must be the spouse, son, daughter, parent, or Next of Kin of the Covered Servicemember or Covered Veteran.

- b. Qualifying Exigency Leave: Eligible Employees with a Military Member who is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty), may use their 12-week leave entitlement to address certain "qualifying exigencies." Qualifying exigencies include short notice deployments (7 or fewer days), military events and related activities, arranging for alternative childcare and school activities, providing immediate child care; enrolling or transferring a child to a new school or day care facility, attending meetings with staff at a school or daycare facility, providing immediate care to a parent, arranging for alternative parental care, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility; addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation attending post-deployment reintegration briefings, and additional activities as agreed to by the Authority and the employee.

RETROACTIVE DESIGNATION OF FMLA LEAVE

The Authority may retroactively designate leave as FMLA leave, upon appropriate notice to the employee, where the retroactive designation does not cause harm or injury to the employee, or otherwise by mutual agreement as allowed by the FMLA.

LIMITATIONS ON LEAVE ENTITLEMENT

The following provisions, as well as those provided in law or specified elsewhere in this policy will apply when determining an employee's entitlement for FMLA leave.

Both Spouses Employed by the Authority

A married couple in which both spouses are employed by the Authority and are eligible for FMLA leave shall be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for the birth of a child, adoption or placement of a child in foster care, to care for the child following birth or placement.

For Military Caregiver Leave (to care for a Covered Servicemember or Covered Veteran), both are entitled to a total of 26 weeks of leave during any 12-month period to care for their own family member who is a covered service member.

For non-Military Caregiver Leave, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave for qualified conditions.

Where both spouses use a portion of the combined entitlement of FMLA leave for one of the purposes listed above, each spouse would each be entitled, for a purpose other than those set forth above, to the difference between the amount he/she has taken individually and the entitled weeks of FMLA leave.

PAID OR UNPAID LEAVE

When the employee has accumulated and/or accrued paid leave the employee **must use all available paid leave** (e.g., sick leave, vacation leave, administrative leave, etc.) until the paid leave is exhausted. Once paid leave is exhausted, the remainder of the FMLA leave period will be unpaid leave. Employees who take FMLA leave will not lose any previously accrued seniority or length of service or accrued sick

or vacation time, or administrative time, to the extent it is not substituted for FMLA leave. Paid holidays will be provided to an employee who is on unpaid FMLA leave.

The following provisions, as well as those provided in the law and as specified elsewhere in this or other Authority policies and collective bargaining agreements, will be applied when determining when FMLA leave is paid or unpaid.

An employee who is taking leave must first use all accumulated unused sick time followed by accrued administrative leave and vacation leave. Sick time and vacation time will continue to accumulate, or accrue, as applicable, while on paid and unpaid FMLA leave and the time will be applied to the FMLA leave time. After all paid leave is exhausted, the remainder of the FMLA leave period will be unpaid leave.

Simultaneous Absences such as for Worker's Compensation

Employee leave of absences will run at the same time. For example, an employee may incur a non-work related illness or a work-related illness or injury that also causes a "serious health condition" making the employee unable to perform the functions of his/her position within the meaning of the FMLA. In such circumstances, any time off approved for the work related injury will also count against the employee's twelve (12) week FMLA Basic Leave entitlement. Where the employee is receiving workers' compensation paid benefits, the provisions for substitution of paid leave (i.e., accumulated sick time, accrued personal days, and accrued vacation) are not applicable, but available unused paid time off must be used to cover any elimination period before the workers' compensation benefits are paid.

However, if the health care provider treating the employee for the worker's compensation injury certifies that the employee is able to return to a light duty job, but is unable to return to the same or equivalent job, the employee may decline the employer's offer of a light duty job. As a result, the employee may no longer qualify for worker's compensation benefits, but if supported by the medical certification, the employee may still be eligible to remain on FMLA leave until the 12-week period is exhausted. The provisions for substitution of paid accrued and unused leave will become applicable and applied as of the date worker's compensation benefits cease.

INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE

Intermittent leave is a leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday. Leave due to a Qualifying Exigency may be taken intermittently or on a reduced work schedule. Employees may not take intermittent or reduced leave for the birth or placement of a child. In the case of serious health conditions, or for the care of Covered Servicemembers or Covered Veterans, leave may be taken intermittently or on a reduced leave schedule when medically necessary. In such cases, the health care provider must submit a declaration stating why the leave must be granted on an intermittent or reduced schedule basis and the amount of time the leave on that basis will be needed. Employees are expected to make a reasonable effort to schedule intermittent leave so as to not disrupt the operations of the Authority. If an employee requests intermittent or reduced leave for planned medical treatment or recovery from a serious health condition, then the employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave.

PROCEDURES AND RESPONSIBILITIES**PROCEDURES****REQUESTING LEAVE**

All requests for FMLA Leave must be submitted to the Human Resources Department on an authorized FMLA Request Form. FMLA Request Forms can be obtained in the Human Resource Department or on the Self-Service Website. All leave requests will be reviewed for compliance with the intent and provisions of the FMLA and these policies and procedures. The completed request form must state the reason for the leave, the duration of the leave, and the starting and anticipated ending dates of the leave. Only Human Resources will approve eligible requests.

For employees needing time off for their own serious health condition, calling in "sick" without providing the reasons for the leave, will not be considered sufficient notice for FMLA leave under this policy. Further, an employee must respond to any questions posed to determine if the absence is potentially FMLA-qualifying. If an employee fails to explain the reasons for the FMLA leave, the leave may be denied. When an employee seeks leave due to an FMLA-qualified reason for which the Authority has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave or the need for FMLA.

Employees must provide the Authority 30 days advance notice of the need to take FMLA leave when it is foreseeable, i.e., for the birth or placement of a child for adoption or foster care, or for planned medical treatment. If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until 30 days from the date the Authority receives notice.

When it is not possible to formally request leave in advance, employees must provide the Authority such notice within five (5) business days of the qualifying event, or as soon as is reasonably practical. When advance notice is not practical, employees are expected to comply with the Authority's usual procedures for requesting leave as soon as it can be reasonably expected. Notice may be provided by an employee's spokesperson (e.g. spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Authority's operations.

EMPLOYER NOTICE REQUIREMENTS

The Authority will post, in locations readily available to employees, a notice explaining employee rights under the FMLA.

The Authority will provide the employee with the following notification upon receipt of the employee's request for FMLA Leave:

- The leave will count against the annual FMLA entitlement;
- Which FMLA certification requirements apply;
- The applicant is required to exhaust available paid leave;

- The applicant should pay any medical premium payments for continuation of health care benefits;
- Should the applicant not pay while out on leave, he/she must make arrangements with the Authority for reimbursement; and,
- Reinstatement rights.

EMPLOYEE REQUIREMENTS

Employees requesting FMLA leave must provide the following:

- 30-day advance notice of the need to take FMLA leave when the need is foreseeable;
- Follow normal call on / call off procedures when returning from a qualified FMLA leave, when leave is unforeseeable;
- Verifications or medical certifications supporting the need for requested leave;
- If required, and at the Authority's expense, second or third medical opinions and periodic recertification; and,
- Periodic reports to the Authority during the leave period regarding the employee's status and intent to return to work.

CERTIFICATIONS

In the case of an employee's request for leave due to medical conditions, the Authority makes certain reasonable inquiries to determine if the FMLA leave is because of a serious health condition, and requests medical certification to support the need for such leave as outlined herein. The Authority also requests certification to support the need for Qualifying Exigency Leave, and for Caregiver Leave. Certifications are not required for leave to bond with a newborn child, or a child placed for adoption or foster care. Where the employee requests Basic Leave, the Authority may require a second or third opinion, at its expense, to determine if the requested leave is FMLA-qualifying. Should the first and second opinions differ, the Authority, at its expense, may require a third opinion. The third opinion shall be considered final.

Recertifications, if any, are at the employee's expense, and will be requested by the Authority in accordance with the FMLA which allows recertifications not more often than every 30 days, unless an employee requests an extension of the original authorized leave period, circumstances have changed since the original certification, or the Authority has information raising a question regarding the validity of the original certification.

An employee has an obligation to respond to the Authority's questions designed to determine whether an absence is potentially FMLA-qualifying. An employee's failure to timely provide the required certification form may result in the delay or denial of the requested leave and as a result unexcused absences could result in disciplinary action, including termination under the Authority's attendance policy, or applicable provisions of a collective bargaining agreement. Failure to respond to the Authority's inquiries regarding the leave request may result in a delay or denial of FMLA protection if the Authority is unable to determine whether the leave is FMLA-qualifying. Employees must return all medical certification documentation to Human Resources.

An employee who requests an extension (should the leave be for less than 12 weeks) of FMLA leave must submit his or her request for an extension, which includes the reason for the requested extension, to Human Resources prior to the expiration of the leave.

- a. Certification of Serious Health Conditions for Basic Leave: The application for leave based on the "serious health condition" of the employee or the employee's spouse, child, or parent must be accompanied by a "Certification of Health Care Provider" completed by the health care provider of the employee or the employee's ill or injured family member. A certification is required for a continuous, intermittent or reduced workday or workweek leave schedule. The Certification of Health Care Provider must be completed in its entirety.

If the FMLA leave is requested as a result of the employee's serious health condition, the medical certification must state that the employee cannot perform the essential functions of his or her job and must specifically list which essential functions cannot be performed. The employee must obtain from the Authority a statement of the essential functions of the employee's position and provide it to his or her health care provider along with the Authority's required Certification of Health Care Provider for Employee's Serious Health Condition form.

When leave is foreseeable, a completed Certification of Health Care Provider must be submitted to Human Resources within 15 days of notification of the necessity of a leave. In addition, recertification of medical necessity will be required in the time periods allowed under the FMLA which are generally every 30 days.

- b. Certification of Qualifying Exigency: An employee requesting leave related to a Military Member must provide proof of the call-up or active military service at the time of the request. This documentation may be a copy of the military orders, including the member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the Military Member's leave. The employee must also provide the Authority with information regarding the qualifying reason for leave and amount of leave needed. A Certification of Qualifying Exigency for Military Family Leave form must be completed and returned to Human Resources within 15 days of notification of the necessity of a leave.
- c. Certification of Military Caregiver Leave: An employee requesting Caregiver Leave must provide documentation of the Covered Servicemember's or Covered Veteran's qualifying illness, injury, recovery, or need for care at the time of the request. A Certification for Serious Injury or Illness of a Current Servicemember form must be completed by the employee or Covered Servicemember and health care provider and returned to Human Resources, or if applicable, a Certification for Serious Injury or Illness of a Covered Veteran form must be completed by the employee or Covered Veteran and health care provider and returned to Human Resources. These Certifications for Serious Injury or Illness must be submitted to Human Resources within 15 days of notification of the necessity of a leave.

Fitness for Duty Certification: Employees returning from FMLA leave as a result of their serious illness are required to provide a fitness-for-duty certification showing the employee can perform the essential job requirements. An employee not providing the required fitness-for-duty certification may be denied reinstatement, until such time as the

certification is provided. Employees must contact Human Resources for the specifics of the required fitness for duty requirements and process.

CONTINUATION OF BENEFITS DURING LEAVE

During the time an employee is on paid FMLA leave, the Authority will continue the employee's group health benefits employee's during the leave period at the same level and under the same conditions as if the employee were at work. The employer and employee's portion of the medical premium payment (if any) for the group health benefits will be paid in the customary manner.

While on unpaid FMLA leave, the employee is responsible for continuing to pay his or her portion of the medical insurance and other benefit premiums. If the employee is receiving paid time off the normal deductions for benefits will be taken from the employee's pay. Once paid time off is exhausted the employee is responsible to contact Human Resources and make a reimbursement arrangement to collect benefit premiums from the employees check once they return to work. If the employee is unable to return to work all past due premiums are due to the Authority at termination, as allowed by law.

If an employee chooses not to return to work for reasons other than a continued serious health condition, or circumstances beyond their control, the Authority may require the employee to reimburse the Authority the full amount it paid on behalf of the employee's behalf to maintain the employee's health insurance coverage and such other benefits as allowed under the FMLA, during the leave period. Request for reimbursement will be made as part of the normal separation procedure and as allowed by law. If the employee claims that he or she is not able to return because of the employee's continuing serious health condition, family member's serious health condition, Covered Servicemember's or Covered Veteran's serious injury or illness, then a medical certification to substantiate that claim is required to be furnished to the Company within 30 days from the date the employee's leave expired.

REINSTATEMENT

Employees who meet all requirements for reinstatement are entitled to a return to their original job or a job with equivalent status, pay, benefits and other employment terms which entails substantially equivalent skill, effort, responsibility and authority.

UNLAWFUL ACTS

The Authority will not interfere with, discharge or discriminate or retaliate against any employee attempting to exercise their rights under the FMLA.

ENFORCEMENT

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations of the FMLA. Eligible employees may bring civil action against the Authority for violations. The employer is authorized to investigate and resolve complaints of violations of FMLA.

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.

DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated, and the Authority also looks to the FMLA and its regulations for the meaning of other terms that are not specifically defined in this policy:

Covered Servicemember: A current member of the Armed Forces, including a member of the National Guard or Reserves, 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; or, a covered Veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness.

Military Member: The employee's spouse, son, daughter or parent who is a member of the Regular Armed Forces, including the National Guard and Reserves, who is on covered active duty or call to covered active duty status.

Covered Veteran: An individual of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable at any time during the 5 year period prior to the first date the Eligible Employee takes FMLA leave to care for the Covered Veteran. The determination of this 5 year period excludes the period of time between the enactment of the NDAA on October 28, 2009 through March 8, 2013.

Next of Kin: The nearest blood relative (in order of priority under the FMLA or as designated by the Covered Servicemember) of a Covered Servicemember other than the Covered Servicemember's spouse, parent, son or daughter for purposes of Caregiver Leave as specified under the FMLA.

Outpatient Status: With respect to a Covered Servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious Injury or Illness: With respect to a Covered Servicemember, any injury or illness incurred by a Covered Servicemember, in the line of duty on active duty in the Armed Forces or an injury that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces that may render that member medically unfit to perform the duties of the member's office, grade, rank, or rating. With respect to a Covered Veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating;

(ii) a physical or mental condition for which the Covered Veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave;

(iii) a physical or mental condition that substantially impairs the Covered Veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or,

(iv) an injury, including a psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Serious Health Condition: An injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Covered Active Duty or Call to Covered Active Duty Status: In the case of a member of the Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of the Reserve components of the Armed Forces, 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.

FMLA MISUSE

Instances in which the employer may investigate absences that appear not to match the FMLA guidelines for excused absences by the employee. Examples include but are not limited to: absence patterns, absences coinciding with non-work events; absences that differ from the medical certification in frequency or duration; and/or sightings or reports of the employee being in inappropriate places or engaged in non-FMLA activities. No action is to be taken against any employee by a manager unless approved by the CEO and Human Resources.

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

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.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, 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.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer 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 a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, 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 that provides greater family or medical leave rights.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

