

# Diocese of Altoona-Johnstown

Department of Human Resources  
Effective: January 01, 2016  
Revision Date: March 5, 2021

## Family and Medical Leave

### I. Introduction

In accordance with the Family and Medical Leave Act of 1993, the Altoona-Johnstown Diocese provides eligible employees the right to take job-protected leave in specific situations involving:

- The birth, adoption or foster care placement of a child
- The employee's own serious health condition
- The serious health condition of the employee's spouse, parent or child
- The serious health condition or injury of a Wounded Warrior
- A qualifying exigency

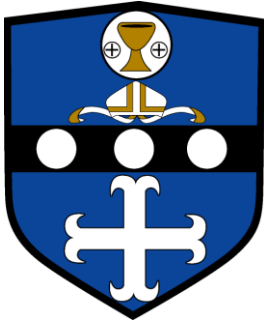
This document establishes eligibility requirements for these various types of Family and Medical Leave absences; provides procedures for requesting and returning from leave; and states the guidelines concerning the status of employee benefits and compensation while on leave.

### II. Definitions

Definitions that apply to all types of Family and Medical Leave (FML) are summarized below.

Health Care Provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices or any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

Child: Any person who is under the age of eighteen or any person eighteen years or older who is incapable of self-care because of a mental or physical disability at the time the FML is to be implemented. The relationship can be of a biological, adopted or foster child; stepchild, legal ward or child of a person standing in the place of a parent. However, child does not apply to sons or daughters-in-law.



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Parent: Biological, adoptive, step or foster father or mother or any other individual who stood in the place of a parent (s). However, parent does not include parents-in-law.

Spouse: A spouse is recognized under the laws of the Commonwealth of Pennsylvania for purposes of marriage, with the marriage performed and licensed under the laws of the Commonwealth of Pennsylvania.

Serious Health Condition: An illness, injury, impairment or physical or mental condition that renders the employee unable to perform the essential functions of the job by requiring them to be absent from work and involves inpatient care (overnight stay) in a hospital or residential medical care facility or continuing treatment or supervision by a health care provider.

Wounded Warrior: Spouse, parent or son/daughter of any age who is a current member of the armed forces, reserves or National Guard and is undergoing medical treatment, recuperation or therapy for a serious injury or illness incurred in the line of duty on active duty or whose current illness can be directly linked to an occurrence during active duty served within the past five years.

Covered Military Member: Spouse, parent or son/daughter of any age on covered active duty in the armed forces, reserves or National Guard.

Qualifying Exigency: Situations that may arise from a covered military member's covered active duty such as:

- Notification received of an impending order to cover active duty seven or fewer calendar days before the date of deployment
- Post-deployment briefings and counseling sessions

### **III. Eligibility**

To be eligible for FML, employees must have completed at least 12 months of service and at least 1,250 hours in the 12 month period previous to the start date of FML. Vacation days, holidays, sick days or other leaves of absence, including prior FML do not count toward the 1,250 hour requirement.



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## **IV: Duration and Calculation of FML**

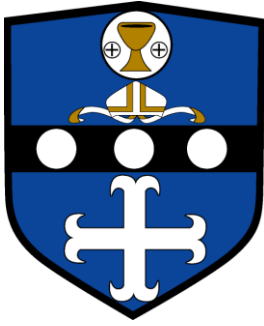
Eligible employees will be granted up to 12 work weeks on a continuous basis or 480 hours on an intermittent basis for their own serious health condition, to provide care for the serious health condition of a spouse, child or parent or for the birth, adoption or placement of a child. Up to 26 work weeks will be granted to care for a covered service member with a related serious health condition or illness. This time is granted per a single 12 month period. Note that FML for the birth, adoption or placement of a child must be taken in consecutive days; may not be taken on an intermittent basis and must conclude within 12 months after the birth or placement.

FML is calculated based upon a 12-month period measured forward from the start of FML. The next 12 month period would begin the first time FML is taken after completion of the prior 12 month period.

## **V: Intermittent FML**

Intermittent FML may be requested if time off is needed sporadically as opposed to a continuous time frame. The following guidelines apply to employees on intermittent FML:

- Absences must be reported no later than an hour before your regularly scheduled work time on the same day the absence is to occur, when possible, noting that the absence is associated with the FML so time can be recorded as such.
- Reasonable efforts must be taken to schedule foreseeable medical treatments or other FML-related appointments to minimize workplace disruptions.
- The Diocese reserves the right to temporarily transfer employees on intermittent leave to a position with equivalent pay and benefits if it better accommodates recurring periods of leave than the employee's regular job.
- Absences must be taken in no less than one hour increments.



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## **VI: Compensation During FML**

Absences incurred under FML for the birth, adoption or foster care placement of a child; to care for a spouse, parent or child; to care for a wounded warrior or for a qualifying exigency are unpaid; however, vacation time may be used to compensate these leaves of absences.

Continuous FML for an employee's own serious health condition runs concurrently with the Short Term Disability (STD) policy and will be compensated according to those guidelines; including that vacation and/or sick time must be used for the seven day elimination period after which STD benefits will begin.

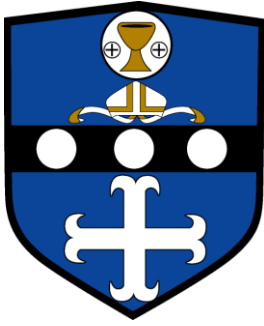
## **VII: Benefits Protection**

During the period of absence from work due to FML all insurance and healthcare coverage will remain as provided under current policies. Employees will continue to be charged for contributions required under the applicable plan while on FML. If FML is unpaid, coverage will continue at the pre-leave level and employee contributions will be collected on a monthly basis and paid by invoice provided by the employer. If a qualifying event such as annual enrollment occurs while on FML coverage may be changed accordingly

## **VIII: Returning to Work**

Employees cannot return to work without advance notice to Human Resources. If on FML due to your own serious health condition, employees cannot return to work without advance notice to Human Resources and a signed release from the treating physician certifying fitness for duty to return to work. If there are associated work restrictions, they must be discussed with Human Resources before returning to work to determine if they can be accommodated to enable performance of the essential functions of the job.

If employees are capable of immediate return to work upon exhaustion of the FML period, they will be reinstated into the position previously held or placed in an equivalent



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position with equivalent pay, benefits and other conditions of employment as long as the employee would've been entitled to the position had the FML not taken place.

If employees do not return to work from FML and have not been approved for an extension of leave of absence or accommodations under associated disability plans, they may be administratively terminated.

## **IX: Medical Certification Process**

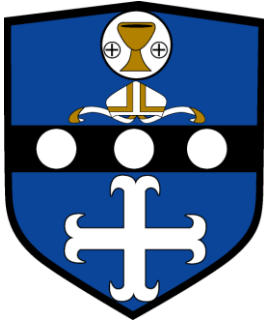
The Diocese reserves the right to require medical certification pursuant to the Family Medical Leave Act and its regulations. Once the medical certification form has been requested of the employee, the employee must return it to Human Resources within fifteen (15) days. The failure to return the medical certification with that time period can be the basis for denial of FMLA leave by the Diocese.

## **X: Workers' Compensation**

Workers' compensation (WC) absences run concurrently with FML and are paid under the WC program. Vacation and/or sick time can not be used during a WC leave.

## **XI: General**

This policy will be administered in compliance with the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and applicable state and local laws.



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## RECEIPT AND ACKNOWLEDGEMENT FMLA POLICY

I acknowledge that I have received a copy of the Diocese of Altoona-Johnstown's FMLA policy, understand its contents and will abide by its guidelines. If I have any questions, I will contact the Diocesan Human Resources Department.

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Employee Printed Name

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Employee Signature

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Date