

FAMILY CARE and MEDICAL LEAVE

The following policy applies to all employees of Parishes, schools and Chancery of the Diocese of Oakland and is based upon the provisions of the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1993 (CFRA).

Eligibility. To be eligible for family care and medical leave under this policy, an employee must be employed by the Diocese for at least 12 months and must have worked at least 1250 hours during the 12 month period immediately preceding the commencement of the leave. (Employees who are not eligible for leave under this policy may request leave under the Diocese Personal Leave policy.)

Reasons for leave. An eligible employee may request a leave for any of the following reasons:

- (1) For the birth of the employee's child and/or to care for the child after birth.
- (2) For placement with the employee of a child for adoption or foster care.
- (3) To care for the employee's child, parent or spouse with a serious health condition.
- (4) Because of the employee's own serious health condition that makes the employee unable to perform the essential functions of the employee's job.
- (5) Because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active military duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
- (6) To care for the employee's child, spouse, parent or next of kin if that person is a member of the Armed Forces of the United States and is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for an injury or illness incurred by the members in the line of duty on active duty in the Armed Forces and that may render the member medically unfit to perform the duties of the members office, grade, rank or rating.

A request for a military-related leave as described in (5) and (6) above must be accompanied by a certification of a slightly different sort.

Leave due to a work-related injury or illness is covered under this policy if the injury or illness is a serious health condition. Leave due to an employee's pregnancy-related disability is covered under Pregnancy-Related Disability Policy.

Requests for leave. As soon as an employee learns of the need for a family care or medical leave, the employee must notify the Division/Department Director and the Human Resources Department at the Chancery or the Pastor/Parochial Administrator/Pastoral Life Director at the Parish to request a leave (See Appendix D-13). For foreseeable events (such as the birth, adoption, or foster care placement of a child or for planned medical treatment) at least 30 days' advance notice is required. For unforeseeable events or emergencies, the leave request must be made as soon as possible. A request for leave due to the serious health condition of the employee or the employee's child, spouse or parent must be accompanied by a certification signed by the health care provider, which includes the following information:

- (1) The date, if known, on which the serious health condition began.
- (2) The probable duration of the condition.
- (3) If the requested leave is to care for a family member, an estimate of the amount of time the health care provider believes the employee needs to care for the family and a statement that the family member's condition warrants the employee's participation in providing care to the family member.
- (4) If the leave is for the employee's own serious health condition, a statement that, due to the employee's serious health condition, the employee is unable to work or is unable to perform the essential functions of the employee's position.

Any request for an extension of an approved leave must be made before expiration of the approved leave. Any request for an extension of medical leave must be supported by an updated certification from the health care provider.

Duration of leave. An eligible employee may be granted family care and medical leave of up to 12 workweeks in a 12-month period (starting on the employee's anniversary of hire date), except to the extent additional leave is possible as in the case of a leave under (6) above, which may be up to twenty-six (26) weeks in length by itself or in combination with other types of Family Care and Medical Leave (and/or pregnancy disability leave).

If leave is due to the employee's own serious health condition or to care for an employee's child, spouse, parent or other specified by law who has a serious health condition, leave may be taken on an intermittent or reduced work schedule basis if medically necessary. The employee must make reasonable efforts to schedule leave so as not to disrupt operations. If leave is requested on an intermittent or reduced work schedule basis, the employee may be transferred to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

Leave to care for a newborn or newly placed child must conclude within one year of the birth or placement of the child.

Parents of a newborn or a newly placed child who are both employed by the Diocese are entitled to a combined total of 12 work weeks of leave to care for the newborn or newly placed child.

Pay and benefits during leave. Family care and medical leave is unpaid, except that those employees on leave may elect to use all accrued paid vacation and paid personal days. Employees who are on leave due to the employee's own serious health condition must use all accrued sick leave in accordance with the Diocesan sick leave policy. Employees on leave due to their own serious condition may apply for State Disability Insurance (SDI) benefits and for benefits under the Diocesan Group Disability Insurance Plan. SDI and group disability benefits may be integrated with other paid time off.

Health insurance benefits will continue to be provided during leave to the same extent and under the same conditions as if the employee were not on leave. The total combined amount of employer-paid health insurance available for any combination of family care, medical and pregnancy disability leave will not exceed 12 work weeks within a 12-month period. (Exceptions may apply for leaves due to work-related injury or illness.)

Seniority and benefits do not accrue during leave, except to the extent that paid time is used.

Returning to work. An employee who takes up to 12 workweeks of leave in a 12-month period under this policy will be reinstated to the same position or to an equivalent position, unless the employee would not otherwise have remained employed for reasons unrelated to the leave.

An employee returning from leave taken because of the employee's own serious health condition must provide medical certification that the employee can safely perform the essential functions of the employee's position.

Pregnancy-Related Leave

Eligibility. An employee who is unable to work because of pregnancy, childbirth or related medical conditions is eligible to take a pregnancy-related leave. There is no length of service requirement for a pregnancy-related leave.

Duration of leave. Pregnancy disability leave is for any period caused by pregnancy, childbirth or related medical conditions, up to a maximum period of four (4) months for each pregnancy. Four months means the number of days the employee would normally work within four months. Leave availability for part-time employees is calculated on a proportional basis. (If there is a need for a leave of absence longer than 4 months, the employee may request additional time off under the Personal Leave policy.)

An employee does not have to take pregnancy disability leave in one continuous period. If medically necessary, an employee may take leave on an intermittent or a reduced work schedule basis, and the Diocese may transfer the employee to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave. Where the employee's health care provider certifies that a transfer to a less strenuous or hazardous job or duties is medically advisable, the transfer will be made if it can be reasonably accommodated.

Coordination with Family Care and Medical Leave. For employees who are eligible for leave under Family Care and Medical Leave, the first 12 workweeks of pregnancy disability leave are counted as medical leave under that policy for health insurance continuation purposes.

Pregnancy disability leave is not counted against the amount of leave provided under the California Family Rights Act, which means that, in addition to the up to four months of pregnancy disability leave, an eligible employee may take up to 12 workweeks of CFRA family care leave.

Requests for leave. An employee must notify the Division/Department Director at the Chancery or the Pastor/Parochial Administrator/Pastoral Life Director at the Parish of her need for a pregnancy-related disability leave as soon as she knows, with reasonable certainty, the expected date on which her leave will begin, which must be at least 30 days in advance of the need for leave, if practicable. The employee must make a reasonable effort to schedule any planned medical treatment so as to minimize disruption to the Diocesan operations, subject to approval of the employee's health care provider.

A request for pregnancy disability leave must be accompanied by a certification signed by the employee's health care provider, which includes the following information:

- (1) The date on which the employee became disabled due to pregnancy.
- (2) The probable duration of the period of disability.
- (3) A statement that, due to the disability, the employee is unable to work at all or is unable to perform the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to others.

Any request for an extension of an approved leave must be made before expiration of the approved leave and must be supported by an updated certification from the health care provider.

Pay and benefits during leave. Pregnancy disability leave is unpaid, except that employees on leave are required to use all available sick leave and may elect to use accrued vacation time and personal days during leave. When an employee becomes disabled, she may apply for State Disability Insurance (SDI) benefits and for benefits under the Diocesan Group Disability Insurance Plan. SDI and group disability benefits may be integrated with other paid time off.

For employees who are eligible for medical leave under Family Care and Medical Leave, health insurance benefits will continue to be provided for the first 12 workweeks of pregnancy disability leave to the same extent and under the same conditions as if the employee were not on leave. The total combined amount of employer-paid health insurance available for any combination of family care, medical and pregnancy disability leave will not exceed 12 work weeks within a 12-month period, after which the employee can elect to continue health insurance coverage under COBRA. Employees who are not eligible for medical leave under Family Care Medical Leave may also elect to continue health insurance coverage under COBRA.

Seniority and benefits do not accrue during leave, except to the extent that paid time is used. Employees on leave are not eligible for paid holidays that occur during leave.

Returning to work. Before returning to work, an employee must provide a statement from her health care provider certifying that the employee can safely perform the essential functions of her position.

An employee who takes up to four months of pregnancy disability leave will be reinstated to the same position she held before her leave began, unless the employee would not otherwise have remained employed for reason unrelated to her leave. If reinstatement to the same position is excused, the employee will be reinstated to a comparable position for which she is qualified, if available.

Work-Related Disability Leave

A leave of absence will be granted to an employee who is disabled from working as a result of a work-related injury or illness.

Eligibility. All employees are eligible for leave due to a work-related injury or illness. There is no length of service requirement for this type of leave.

Duration of leave. The employee may remain on work-related disability leave until one of the following circumstances occurs:

- (1) The employee is released to return to work without restrictions.
- (2) The employee is released to return to work with restrictions and work, which is consistent with those restrictions, is offered.
- (3) Medical evidence establishes that the employee is permanently disabled from returning to usual duties.
- (4) The employee indicates the intent not to return to work (either by direct communication to the employer or by actions inconsistent with the intent to return to work, for example, by moving out of the area or by accepting other employment).

A work-related disability leave may not exceed a cumulative total of eighteen (18) months.

The time taken for a work-related disability leave will count as leave under the Family Care and Medical Leave policy for employees who are eligible for such leave.

Pay and benefits during leave. A work-related disability leave is unpaid, except that employees may receive benefits under the Diocesan workers' compensation program and may elect to use accrued vacation and personal days. Accrued sick leave will be used during a work-related disability leave in accordance with the Diocesan sick leave policy. Benefits will be coordinated so that the employee will not receive more than 100 percent of regular pay.

For employees who are eligible for leave under the Family Care and Medical Leave policy, health insurance benefits will continue to be provided during the first 12 workweeks of a work related disability leave. For other employees and for leaves that exceed 12 workweeks, health insurance benefits will continue to be provided to the extent required by law.

Vacation and other paid benefits do not accrue during leave, except to the extent that accrued paid time is used. Employees on leave are not eligible for paid holidays that occur during leave.

Returning to work. An employee who is eligible for leave under the Family Care and Medical Leave policy and whose leave does not exceed 12 workweeks within a 12-month period will be reinstated to the same position or to an equivalent position, unless the employee would not otherwise have remained employed for reasons unrelated to the leave. For other employees and for leaves that exceed 12 workweeks, the employee will be returned to the same position if available or, if such position is not available, the employee will be offered a position for which the employee is qualified, if available.

An employee returning from a work-related disability leave must provide medical certification that the employee can safely perform the essential functions of the employee's position.

Personal Leave

An unpaid personal leave of absence may be available for leaves for personal reasons other than those reasons qualifying as leave under the Family Care and Medical Leave policy or

Pregnancy-Related Disability Leave, and in circumstances where the employee has exhausted all available leave under such policies and continues to have a need for leave. A request for Personal Leave may be approved or denied based upon the following considerations:

- (1) The reason for the leave request.
- (2) The needs of the Diocese.
- (3) The employee's job performance.
- (4) The employee's length of service.
- (5) The employee's position/level of responsibility.

All leave requests may be granted or denied within the discretion of the Diocese. Granting an unpaid leave does not guarantee reemployment.

Duration of leave. A personal leave may not exceed 12 months, which includes any time taken under the Family Care and Medical Leave and/or Pregnancy-Related Disability Leave policies.

Except as noted below, personal leave is unpaid, except that employees must use all available accrued vacation and personal days as part of a personal leave. All accrued sick leave pay must be used if the leave is for medical reasons and the employee is not eligible (or the leave does not qualify) for disability leave under any other policy.

Employees on personal leave may elect to continue their group health insurance at their own expense under COBRA.

Seniority and benefits do not continue to accrue during a Personal Leave, except to the extent that accrued paid time is used. Employees on leave are not eligible for paid holidays that occur during leave.

Returning to work. If an employee is granted a personal leave, the employee will be informed of the circumstances concerning returning to work, including the period (if any) during which the employee will be guaranteed reinstatement to the same or an equivalent position. An employee returning to work from a personal leave taken because of the employee's illness or injury must provide medical certification that the employee can safely perform the essential functions of the position to which the employee is assigned.

Paid Personal Days. Regular employees working 25 hours or more per week may request up to five paid personal days per calendar year for extraordinary personal, legal, business or family needs that cannot be dealt with on non-working time. Such paid personal leave days do not carry over from year to year. These days are not to be taken as extra vacation days and must be requested of the supervisor prior to taking them. Employees are not paid for unused Personal Days.