Policy:
It is the policy of Mid-Missouri Supported Living, LLC (MMSL) to grant up to twelve (12) weeks of family and medical leave during any twelve (12) month period to eligible employees, in accordance with the Family and Medical Leave Act (FMLA) and up to twenty-six (26) weeks of leave in any twelve (12) month period in compliance with the expansion of FMLA under The Support for Injured Service Members Act of 2007.

Comments:
MMSL uses a backward "rolling" twelve (12) month period, from the date leave is to commence, as the twelve (12) month period in which employees can take FMLA.

1. Employees may be eligible to receive FMLA leave if they meet the following criteria:
   A. They have been employed by MMSL for at least twelve (12) months; and
   B. They have worked at least 1,250 hours in the twelve (12) months preceding the start date of the leave.
2. FMLA leave may be granted to an eligible employee for the following reasons:
   A. Birth of the employee's child or placement of a child with the employee for adoption or foster care, and in order to care for such child. (Note: A leave to care for a newborn child or a child newly placed with the employee for adoption or foster care must be taken before the end of the first twelve [12] months following the date of the birth or placement.)
   B. To care for the employee's spouse, child, or parent who has a serious health condition.
   C. A serious health condition of an employee that makes them unable to perform their job.
   D. Because of a "qualifying exigency" arising out of the fact that the employee's spouse, child or parent is a covered service member on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
   E. To care for a covered service member with a serious injury or illness sustained in the line of duty on active duty, if the employee is the spouse, child, parent or next-of-kin of the service member.
3. Eligible employees are entitled to a total of twelve (12) weeks of leave during a twelve (12) month period for all leaves other than a leave to care for an injured service member. Eligible employees are entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period for leave to care for an injured service member. For those purposes, the "single twelve (12) month period" is the twelve (12) month period measured forward from the first date of such leave.
4. If a husband and wife are both employed by MMSL, and are both eligible for FMLA leave, they are entitled to an aggregate leave of twelve (12) weeks during any twelve (12) month period for the birth or placement of a child. In addition, they are entitled to an aggregate leave of twenty-six (26) weeks during the single twelve (12) month period to care for an injured service member. This limitation does not apply to a leave to care for a spouse, child and/or parent with a serious health condition, a leave due to the employee's own serious health condition or leave due to a military qualifying exigency.
5. Definitions:

A. Parent: The biological, adoptive, step or foster parent of an employee or an individual who acted in place of a parent to an employee when the employee was a child. This may include legal guardians, grandparents or other non-relatives.

B. Child: For purposes of a leave relating to birth, adoption or foster care placement, and for leave to care for a child with a serious health condition, "child" means a biological, adopted or foster child, a stepchild, a legal *ward* or a child of a person acting in place of a parent who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability. For purposes of leave to care for an injured service member or for a military qualifying exigency, "child" means a biological, adopted, or foster child, stepchild, legal *ward*, or a child for whom the employee (or service member in cases of leave to care for an injured service member) acted in place of a parent, and who is of any age.

C. Serious Health Condition: 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 healthcare provider or 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 requirements may be met by a period of more than three (3) consecutive calendar days combined with at least two (2) visits to a healthcare provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or incapacity due to a chronic condition.

6. Leave under the FMLA does not have to be taken in a block of twelve (12) weeks, but may be taken intermittently (e.g. weekly appointments for dialysis) or on a reduced leave schedule (the employee works fewer than the usual number of hours per workday or workweek). (Exception: Leave taken due to the birth or placement for adoption or foster care of a child may not be taken intermittently or on a reduced leave schedule.) If an employee needs intermittent or a reduced schedule leave that is foreseeable based on planned medical treatment, MMSL has the right to transfer the employee temporarily, during the period such leave is required, to an available alternative position that better accommodates recurring periods of leave.
7. The employee will exhaust all available PTO, Extended Sick Leave (ESL), and Short-Term Disability (STD) benefits (for leaves for medical reasons relating to the employee) that is available before the unpaid portion of the leave begins. The total of both paid and unpaid leave will not exceed twelve (12) weeks, (except as noted above for leave to care for an injured service member).

Note: STD benefits are only payable after an employee has exhausted both their PTO and ESL time and during the time an employee is documented by a physician as being medically disabled. For example, STD benefits would not be paid during leave taken under the FMLA beyond the period of documented medical disability following the birth of a child.

8. The employee must notify MMSL a minimum of thirty (30) days in advance of the leave start date for birth, placement of a child for adoption or foster care, or planned medical treatment when the need for such leave is foreseeable. If the leave is unexpected, the employee is required to give notice as soon as practicable, which generally means the same day as, or next business day after, the need for the leave becomes known. Where advance notice is not possible, or where leave is taken on an intermittent basis for scheduled medical treatments, the employee is obligated to make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of MMSL, subject to the agreement of the healthcare provider.

9. MMSL retains the right to request certification by a healthcare provider when an employee requests leave because of a serious health condition or to care for a family member with a serious health condition (child, spouse or parent), as well as when an employee requests leave to care for an injured service member with a serious illness or injury. The certification must state the date on which the serious health condition began, its probable duration and the appropriate medical facts within the knowledge of the healthcare provider regarding the condition. Such certification generally should be provided in advance of the leave, if possible. In all cases, the certification should be provided within fifteen (15) days of MMSL's request or the leave will be denied. Periodically during the leave period, the employee may need to provide MMSL with an update on the status of medical need, including additional certification. It will be the responsibility of the Manager to provide the employee with a job description outlining their essential job functions, so the healthcare provider can determine if the employee is capable of performing the essential functions of their job.

   If the certification is for leave to care for a family member, the certification must also state the employee's need to care for the family member and must include an estimate of the amount of time needed to care for the family member. If the leave is for an employee's own serious health condition, the certification must also state why the employee is unable to perform the duties of his/her position.

   If the leave is for intermittent periods for planned medical treatments, the certification must state the date on which such treatment is expected to be administered and the duration of such treatment.

10. For leaves to care for an employee's own or a family member's serious health condition, MMSL may require a second opinion, at MMSL's expense, if there is a question concerning the original certification. The second healthcare provider may not be employed by or contracted with MMSL. In cases where there is an unresolved conflict between the first and second medical opinions, MMSL may require, at its own expense, a third opinion from a provider jointly approved by MMSL and the employee. The third opinion is final and binding. It will be the responsibility of the Manager to provide the employee with a job description outlining their essential job functions, so the healthcare provider can determine if the employee is capable of performing the essential functions of their job.

11. An employee, upon returning from a FMLA, will be restored to their previous position or to an "equivalent position" with equivalent job duties, employment benefits, pay and other terms and conditions of employment. Any evidence of other employment during any approved leave of absence will be interpreted as a voluntary resignation (See #14 below for exception).

12. Utilizing FMLA will not result in the loss of any employment benefit accrued prior to the start of the leave. Benefits will not be considered earned or accrued during the leave period.

13. Employees should keep their Manager updated on their plans to return to work prior to the expiration

of the leave. Before an employee will be able to return, they must provide a release from their healthcare provider.

14. MMSL will continue health insurance benefits during periods of leave at the level and under the condition's coverage would have been provided if the employee had remained in employment continuously for the duration of such leave. It is the responsibility of the employee to pay their required benefit contributions while on a designated FMLA. If an employee fails to make payments during their FMLA, MMSL has the right to collect missed premiums in full upon their return to an active status. If the employee fails to return to work and premiums have not been paid, coverage will terminate retroactive to the date of the last premiums paid and COBRA will not apply. Leave does not constitute a qualifying event under COBRA, but failure to return to work following the leave, if the employee decides not to return to work, will constitute a qualifying event and the date the leave ended will then become the date of voluntary termination.

Military Caregiver Leave/Service Member FMLA

Service member FMLA runs concurrently with other leave entitlements provided under federal, state and local laws. Eligible employees (spouse, child, parent or next of kin) may take Service Member leave for following reasons:

1. A qualifying exigency arising out of a covered family member's active duty or call to active duty in the Armed Forces. Leave duration is not to exceed twelve (12) weeks during any rolling twelve (12) month period.
2. To care for a covered family member "next of kin" who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such an injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating. Leave duration is not to exceed twenty-six (26) weeks during single, rolling, twelve (12) month period.
3. Military caregiver leave is extended to close family member of veterans who were members of the Armed Forces (including the National Guard or Reserves) at any point in time within five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.

"Next of Kin" is defined as the nearest blood relative, other than a spouse, parent, son or daughter.
"Qualifying Exigency" leave for Families of Active Duty Members of the Armed Forces.

Eligible employees with a spouse, son, daughter or parent on active duty or called to active duty status in the Armed Forces may use their twelve (12) week entitlement to address certain qualifying exigencies. Qualifying exigencies include:

1. Attendance of certain military events;
2. Arranging alternative child care;
3. Addressing certain financial and legal arrangements;
4. Attending certain counseling sessions;
5. Attending post-deployment reintegration briefings.

Military Caregiver Leave for Veterans and for Aggravated Illnesses or Injuries

FMLA includes a special leave entitlement that permits eligible employees to take up to twenty- six (26) weeks of leave to care for a covered service member or veteran during a single rolling twelve (12) month period. A "covered service member" is a current member of the Armed Forces, including members of the National Guard and Reserves, who has a serious injury or illness incurred by the member in the line of duty while on active duty and in Armed Forces and covers injuries or illnesses existing before the member's active duty and was aggravated by service in the line of duty, in the Armed Forces, that may render the member medically unfit to perform the duties of the service member's office, grade, rank or rating.

Since veterans' do not have a current "office, grade, rank or rating", the serious injury or illness must be one that "manifested itself before or after the member became a veteran".
The entitlement to take military caregiver leave for the care of veterans extends only to family members of veterans when the veteran was a member of the Armed Forces at some point preceding the date on which the veteran undergoes medical treatment or receives the therapy that necessitates the leave.

Procedure

An eligible employee requesting a leave of absence under the FMLA will complete a Request for Leave form and their healthcare provider will need to complete the applicable Certification of Healthcare Provider form.

1. The request will be sent to the Office Manager.
2. The Office Manager will review the request to confirm eligibility and notify the requesting employee of approval or denial.
3. The Office Manager will monitor the program to ensure compliance with provisions of the law.
4. Employee must provide a release from their healthcare provider and present to their Manager. The employee will then be restored to the original or equivalent position with equivalent pay, benefits and other employment terms and conditions.
5. Any employee who has used their entire twelve (12) week entitlement of FMLA will not be eligible for further FMLA until they have returned to work for a twelve (12) month period (from the start of the leave) and worked at least 1,250 hours.
6. Any employee, who fails to return to work upon expiration of the leave, will be considered to have voluntarily resigned effective the date the leave expired.

Approved by: _____

Robert Palmer, RN, BSN, Owner MMSL