

Policy and Procedures

Title: Family and Medical Leave

Date issued / last revision: September 1, 2002

Date effective: Immediately

Family and Medical Leave

Statement:

Cooperstown Medical Transport, Inc. (CMT) is establishing policy and procedure for time off under the Family and Medical Leave Act (FMLA)

Purpose:

This policy is to comply with Federal Regulations.

Scope:

This policy applies to all employees, full time, part time, per diem and interns.

Policy:

1. Introduction and Required Leave
 - a. The Family and Medical Leave Act (FMLA) is an act of congress, which for our purposes took effect on August 5, 1993. Generally speaking, FMLA provides that any employer of fifty or more employees at job sites within 75 miles of each other must provide up to 12 weeks of paid or unpaid leave for eligible employees.
 - b. Employees are eligible for an unpaid Family or Medical Leave when they have been employed twelve months and during that time they have worked at least 1,250 hours.
 - c. Eligible employees must be allowed up to twelve weeks of leave during any twelve month period for the following reasons:
 - i. Birth of a child
 - ii. Adoption of a child
 - iii. Necessary care for parent, spouse or child having a “serious health condition” health condition” making him/her unable to perform the functions of his/her job
 - d. For a leave taken for reasons “i” or “ii”, the twelve-week period expires twelve weeks from the date of birth or placement.
 - e. When both spouses are employees, a total of up to twelve weeks between them is required to be given when leave is requested for reasons “iii”.
 - f. A “serious health condition” is a health condition requiring in-patient treatment or care requiring continuing medical treatment.
2. Intermediate Leave and Reduced Leave Schedule
 - a. “Intermittent Leave” is leave for the above reasons, taken in non-continuous periods, totaling up to twelve workweeks.
 - i. “Reduced Leave Schedule,” means a leave up to twelve weeks taken in the form of a reduced work schedule.
 - b. Employee has a “serious health condition”

- c. An employee is eligible to take hi/her leave as “Intermittent Leave” or “Reduced Leave Schedule” when taken for reasons “iii” or “iv” above.
- d. When an eligible employee requests to take his/her leave as “Intermittent Leave” or “Reduced Leave Schedule” for reasons “iii” or “iv” above, which is foreseeable based on planned medical treatment, an employee may be required to transfer temporarily to an alternative position for which he/she is qualified and that has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employees’ regular position.

3. Duties of Employees

- a. Where the necessity for leave under FMLA for reasons “i” or “ii” is foreseeable by the employee, the employee shall provide his/her immediate supervisor with at least thirty days notice before the leave is to begin. If, however, the date of birth or placement requires leave to begin in less than thirty days, the employee shall provide as much notice as is practicable.
- b. Where the necessity for leave under the FMLA for reasons “iii” or “iv” is foreseeable by the employee based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Companies’ operations, subject to approval of the health care provider, and the employee shall provide the immediate supervisor with at least thirty days notice before the leave is to begin. If, however, the date of treatment requires leave to begin in less than thirty days, the employee shall provide as much notice as is practicable.

4. Certification

- a. The company requires certification of a health care provider when an employee requests leave for reasons “iii” or “iv”. Such certification is sufficient if it states:
 - i. Date upon which “serious health condition” commenced
 - ii. Probable duration of “serious health condition”
 - iii. Appropriate medical facts regarding condition
 - iv. That the employee is needed to care for the parent, child or spouse and the estimated amount of time needed, or that the employee is unable to perform the functions of his/her position
 - v. For intermittent leave or reduced leave schedule for planned medical treatment, the dates upon which treatment is expected and the duration thereof
 - vi. For intermittent leave and reduced leave schedule for reason “iv”, a statement of medical necessity for such leave and the expected duration.
 - vii. For intermittent leave or reduced leave schedule for reason “iii”, a statement that such leave is necessary for the care of the parent, child or spouse and a schedule of the required leave

5. Substitution of Paid Leave

- a. At the election of either the company or the employee, accrued paid vacation, personal or family leave may be substituted for leave requested for reasons “i” through “iv”. At the election of either the company or the employee, accrued paid sick leave may also be substituted for leave requested for reason “iv”.

6. Employment and Benefits Protection

- a. Upon the expiration of leave taken under FMLA, an employee will be restored to the same position or a position having equivalent benefits, pay and other terms of employment.
- b. An employee shall not lose any benefits to which he/she was entitled prior to commencing leave under the Act.
- c. An employee taking leave under the Act shall have no right to accrue benefits or seniority during the leave.
- d. Restoration may be denied to an employee who is among the highest paid 10% of the Companies' employees and denial of restoration is necessary to prevent substantial and grievous economic injury, if the leave has commenced, the employee elects not to return upon receipt of said notice.
- e. Group health benefits must be maintained for the duration of the leave at the same level and under the same conditions as to which the employee would be entitled if he/she had not taken such leave. If an employee does not return to work at the expiration of such leave, the Company may recover any premium paid for the employees' health benefits unless the failure to return is a result of a continuation, recurrence or onset of a "serious health condition" which would entitle him/her to leave for reasons "i" or "iv" or due to other circumstances beyond the control of the employee.
- f. It is the policy of CMT to treat pregnancy, childbirth and related medical conditions as any other form of medical disability, including temporary disability pay and other benefits. Medical disability leave will be granted to any pregnant employee who, for medical reasons, cannot continue work until the expected day of delivery.
- g. The employee must return to work, with the appropriate medical release, at the end of a leave for reasons "i" or "iv". If the employee is unable to return to work because of medical reasons, upon medical verification, the Medical Disability Leave can be extended, at Company option, for a period not to exceed one additional month.