

FAMILY AND MEDICAL LEAVE POLICY

Applicability: This policy applies to all Oak Hill employees.

A. General Provisions

The leave may be paid or unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy.

B. Eligibility

In order to qualify to take family and medical leave (FMLA) under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for Oak Hill at least 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee was on leave during the week.
2. The employee must have worked at least 1000 hours (or 1250 hours under Federal law) during the 12-month period immediately preceding the date when the leave would begin.

C. Type of Leave Covered

1. Family and Medical Leave.

Oak Hill grants up to 16 weeks of family and medical leave during a two-year period or 12 weeks of family and medical leave during a 12-month period, whichever is greater, to eligible employees, in accordance with both the state and federal Family and Medical Leave Acts (FMLAs). In order to qualify as Family and Medical Leave under this policy, the employee must be taking the leave for one of the reasons listed below:

- a. the birth of a child and in order to care for that child;
- b. the placement of a child with the employee for adoption or foster care;
- c. the care of a spouse (including civil union partners), child, parent or parent-in-law with a serious health condition;
- d. the serious health condition of the employee;

e. in order to serve as an organ or bone marrow donor.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that requires inpatient care at a hospital, hospice or residential medical care facility, or continuing treatment, including outpatient treatment, by a licensed health care provider.

Employees with questions about what illnesses are covered under this policy are encouraged to consult with the Director of Compensation and Benefits.

Oak Hill requires an employee to provide a doctor's certification of the serious health condition. The certification program is outlined in section H.

If an employee takes paid sick leave for a condition that progresses into a serious health condition or if an employee is out of work due to an injury covered under workers' compensation, Oak Hill will designate all related leave taken as FMLA leave under this policy, to the extent that the earlier leave meets necessary qualifications. Generally, any medically-related leave lasting more than four consecutive work days will be designated as FMLA leave.

Under this policy an eligible employee can take up to 16 weeks of leave during any two-year period or 12 weeks of leave during any 12-month period, whichever is greater. Oak Hill will measure the 12 or 24-month period as a rolling 12 or 24-month period measured forward from the date an employee's first FMLA leave begins.

The Federal and State Family and Medical Leave Acts are applied concurrently.

2. Caregiver Leave

Under the federal Family and Medical Leave Act, an employee who is the child, spouse, parent or next of kin of a servicemember may have up to 26 weeks of leave during a single 12-month period to care for a servicemember who suffers a serious injury or illness in the line of duty and while on active status.

3. Active Duty Leave

Under the federal Family and Medical Leave Act, an eligible employee who is the parent, spouse or child of a servicemember who experiences a “qualifying exigency” arising out of the servicemember’s active duty is entitled to take up to 12 weeks of leave during any 12-month period. Though the phrase “qualifying exigency” is not yet defined under federal law, the following circumstances may qualify for such leave:

- Making child care arrangements;
- Making financial and legal arrangements caused by the servicemember’s absence;
- Counseling related to the servicemember’s active duty;
- Attending official ceremonies or programs where the participation of the family member is requested by the military;
- Attending to farewell or arrival arrangements of the servicemember; and
- Attending to affairs caused by the missing status or death of the service member

D. Employee Status and Benefits During Leave

While an employee is on FMLA leave, Oak Hill will continue the employee's health benefits for a maximum of 12 weeks of such leave in any 12-month period at the same level and under the same conditions as if the employee had continued to work. Oak Hill will also continue to provide health insurance benefits for as long as an employee is being fully paid utilizing benefit time. Under current policy, the employee pays a portion of the health care premium. While on paid leave, Oak Hill will continue to make payroll deductions to collect the employee's share of the premium.

For the remaining period of family and medical leave (unpaid leave), the employee will be entitled to health benefits but at his/her cost. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The Director of Compensation and Benefits must receive the payment by the 5th day of each month. If the payment is more than 30 days late, the employee’s health care coverage may be dropped for the duration of the leave. Although not required under state or federal law, Oak Hill will continue to pay premiums for life, accidental death, and disability insurance while an employee is on FMLA leave if the employee participates in this insurance prior to the leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition, Oak Hill may require the employee to reimburse the amount Oak Hill paid for the employee's health insurance premium during the leave period.

E. Employee Status after Leave

An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility and authority.

F. Use of Paid and Unpaid Leave

If the employee has accrued appropriate benefit time, the employee may use paid leave first and take the remainder of the 16 or 12 weeks as unpaid leave.

An employee who is taking FMLA leave because of the employee's own serious health condition may use all available vacation, personal, holiday comp or sick leave prior to being placed on unpaid leave. If the leave is for the serious medical condition of a child, parent or spouse, or for the birth or adoption of a child, the employee may use up to two (2) weeks of accumulated sick leave. If the leave is for a serious health condition of a family member, an employee may use all available vacation, holiday comp and personal leave prior to being placed on unpaid leave.

A non-union employee who is considered to be exempt from overtime under state and federal law may use up to twelve weeks of paid sick time for any leave associated with the serious health condition of a family member and birth of a child.

All other employees taking leave for the birth of a child may use paid sick leave for the physical recovery following childbirth. Pregnancy disability or other leave taken under the company's temporary disability plan is considered paid sick leave for the purposes of family leave substitution. The employee may then use all paid vacation and personal leave, and then will be placed on unpaid leave for the remainder of the 16 or 12 weeks.

An employee who is taking leave for the adoption or foster care of a child may use all paid vacation, holiday comp and personal leave prior to being placed on unpaid leave.

G. Intermittent Leave of a Reduced Work Schedule

An employee eligible to take family and medical leave in 16 or 12 consecutive weeks may use the leave intermittently (take a day or a partial day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period or 16 weeks over a 24-month period, except that an employee is not eligible for more than a total of 12 weeks of intermittent leave during any 12-month period.

Oak Hill may temporarily transfer an employee to an available position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

For the birth, adoption or foster care of a child, Oak Hill and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must try to reach agreement with Oak Hill before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of intermittent leave is medically necessary. Oak Hill may require certification of the medical necessity, discussed in Section H.

H. Certification of the Serious Health Condition

Oak Hill requires certification of any serious health condition. The employee must respond to such a request within 15 days of the request, or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of FMLA leave or continuation of such leave. Medical certification shall be provided by using Oak Hill's Medical Certification Form.

Certification of the serious health condition shall include the date when the condition began, its expected duration, and the appropriate medical facts regarding the condition. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of the medical necessity for taking intermittent leave or working a reduced schedule.

Oak Hill reserves the right to ask for a second opinion if it has reason to doubt the certification. Oak Hill will pay for the employee to get a certification from a second doctor, which Oak Hill will select.

If necessary to resolve a conflict between the original certification and the second opinion, Oak Hill will require the opinion of a third doctor. Oak Hill and the employee will jointly select the third doctor, and Oak Hill will pay for the opinion. This third opinion will be considered final.

I. Procedure for Requesting Leave and Returning to Work

Except where leave is not foreseeable, all employees requesting leave under this policy must submit the request in writing to the Director of Benefits and Compensation.

When an employee plans to take leave under this policy, the employee must give Oak Hill thirty (30) days advance notice. If it is not possible to give thirty days notice, the employee must give as much notice as is practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Oak Hill's operations.

If an employee fails to provide two weeks notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least two weeks from the date Oak Hill receives the notice.

While on FMLA leave, employees are required to report on a monthly basis to the Director of Compensation and Benefits regarding the status of the medical condition, and their intent to return to work. Prior to returning from any medical leave, due to the serious health condition of the employee, the employee is required to provide written certification from a licensed health care provider that he/she is able to resume work.

In the event that an employee is unable to return to work after FMLA leave, s/he may request additional unpaid discretionary leave for a specified period of time not to exceed one year. Such additional leave must be approved in advance in writing by the Director of Compensation and Benefits. Health insurance may be continued at the employee's own expense as provided under COBRA. No benefits will accrue during the discretionary leave period. Oak Hill cannot guarantee that an employee's position will remain available to him/her during the discretionary leave period.

If an employee does not report to work on the specified date of return, or otherwise notify the Director of Compensation and Benefits, he/she shall be deemed to have resigned employment with Oak Hill.

Any questions about this policy should be directed to the Director of Compensation and Benefits.

Cross-Reference: Attendance
Military Leave
Sick Leave

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