Baptist Health South Florida

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POLICY TITLE: Family and Medical Leave of Absence

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SUMMARY & PURPOSE:
To explain Baptist Health's Family Medical Leave policy.

POLICY:
Baptist Health provides eligible employees with up to twelve (12) work weeks of leave under the federal Family and Medical Leave Act of 1993 (FMLA) and the Miami Dade County Ordinance.

Definitions:
Below are the definitions of certain terms used in this Policy.

1. Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves one of the following:
   a. Inpatient Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care. Incapacity, for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore, or recovery therefrom.
   b. Incapacity and Treatment: A period of incapacity (defined as inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) in excess of three (3) consecutive full calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves: a) Treatment two or more times, within thirty (30) days of the first day of incapacity, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, unless extenuating circumstances exist (e.g. circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider); or; or b) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. For the purposes of this policy, treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity.
   c. Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.

d. Chronic Conditions Requiring Treatments: A chronic condition which: a) Requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

e. Permanent/Long-term Conditions Requiring Supervision: A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

f. Multiple Treatments (Non-Chronic) Conditions: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

2. Intermittent/Reduced Schedule FMLA Leave: Intermittent leave is FMLA leave taken in separate blocks of time due to a single illness or injury. A reduced leave schedule is a leave schedule that reduces the employee's usual number of working hours per workweek, or hours per workday.
3. Son, Daughter, Parent or Grandparent include biological, adoptive, foster, stepparent/child relationships; legal wards; and any child of a person standing in loco parentis, who is under 18 or 18 or older and incapable of self-care because of a physical or mental disability. In-laws are not included in FMLA. The definition of grandparent is "any grandparent of an employee for whom the employee has assumed primary financial responsibility."
4. Unum/Unum Benefits Center: service provider partnering with Baptist Health South Florida to administer the Leave of Absence and Disability Benefit Programs.

SCOPE/APPLICABILITY:

Any employee who meets the FMLA eligibility criteria, which may include Per Diem employees, is eligible for FMLA leave. Contract and temporary agency workers are not covered by this policy.

Eligibility

An employee is eligible for FMLA leave if he or she has worked for Baptist Health or one of its affiliates for at least twelve (12) months, for at least 1,250 hours during the previous twelve (12) month period. The twelve (12) months an employee must have been employed by Baptist Health need not be consecutive months, provided (1) subject to the exceptions set forth below, employment periods prior to a break in service of seven (7) years or more will not be counted in determining whether the employee has been employed by Baptist Health for at least twelve (12) months; (2) employment periods preceding a break in service of more than seven (7) years must be counted in determining whether the employee has been employed by Baptist Health for at least twelve (12) months where: the employee's break in service is occasioned by the fulfillment of his or her National Guard or Reserve military service obligation. The time served performing the military service must be also counted in determining whether the employee has been employed for at least twelve (12) months by Baptist Health.

a. Leave Duration
   i. An eligible employee may take up to twelve (12) workweeks unpaid FMLA leave during any twelve (12) month period for one or more of the following:
      1) The birth and care of the employee's newborn child;
      2) The placement of a child with the employee for adoption or foster care;
      3) To care for an employee's immediate family member (i.e., the spouse, child, grandparent or parent of the employee), if such person has a serious health condition;
      4) When a serious health condition makes the employee unable to perform the functions of his or her position;
      5) Eligible employees may take FMLA leave while the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty or call to active duty status or one or more of the following qualifying exigencies: (1) Short-notice deployment; (2) Military events and related

activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) to address other events which arise out of the covered military member's active duty or call to active duty status provided that Baptist Health and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

ii. An eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the servicemember as follows:
   1) To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member medically unfit to perform duties of the member's office, grade, rank or rating;
   2) In order to care for a covered servicemember, an eligible employee must be the spouse, son, daughter, parent, or next of kin of a covered servicemember;
   3) The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. Baptist Health may require an employee to provide confirmation of a covered family relationship to the covered servicemember.
   4) Leave to care for an injured or ill servicemember, when combined with other FMLA qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period;
   5) Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state and local law.

b. Restrictions on FMLA Leave
   i. Birth of a Child: An employee cannot take leave for the birth, adoption, or foster care of a child if twelve (12) months have passed since the birth or placement of that child.
   ii. Spouses Working for Baptist Health: If both spouses are employed by Baptist Health or one of its affiliates, the total amount of FMLA leave to which both are entitled is limited to combined twelve (12) workweeks during any twelve (12) month period if FMLA leave is taken for Item # i or ii above, under the section entitled, "Leave Duration".

c. Computation of the twelve (12) week FMLA Period
   An eligible employee is entitled to twelve (12) weeks of FMLA in a rolling twelve (12) month period. A rolling twelve (12) month period is measured backward from the beginning date of the requested leave of absence. Each time an employee takes FMLA leave, the remaining FMLA leave entitlement would be any balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months.

PROCEDURES TO ENSURE COMPLIANCE:

1. Requesting Leave
   a. The employee must notify their leader and the Unum Benefits Center (877-663-7437) of their need for FMLA leave as soon as possible and no later than ten (10) calendar days from the date the leave begins (refer to procedure section 2 of this policy for additional information regarding employee notification requirements);
   b. The leader provides the employee with a copy of the *Unum Leave of Absence Brochure* (available in Employee Self Service);
   c. Employee submits the required medical/supporting documentation for FMLA leave directly to Unum within Unum's designated timeframe (refer to procedure section 2 of this policy for additional information regarding documentation requirements);

d. For approved Intermittent/Reduced Schedule FMLA leave, the employee must notify their leader of each intermittent absence at least two (2) hours prior to the start of their shift or as soon as practicable and contact the Unum Benefits Center to report each absence no later than the end of the next calendar day;
e. Unum processes the employee's request for FMLA leave and sends employee applicable FMLA leave documentation forms and correspondence;
f. Unum provides leave status updates to the employee's leader via email;
g. The leader is responsible for processing the employee's payroll (refer to procedure sections 4, 5 and 6 of this policy for additional information regarding paying employee during FMLA leave).

2. Notification and Documentation Requirements and Procedures
   a. Identifying FMLA Leave
      It is the employee's responsibility to provide at least verbal notice sufficient to make his/her leader and Unum aware that the employee needs FMLA qualifying leave (including continuous, intermittent or reduced schedule FMLA), and the anticipated timing and duration of the leave. Although the employee does not need to expressly assert rights under the FMLA or even mention the FMLA. An employee giving notice of the need for FMLA leave must explain the reasons for the needed leave so as to allow Unum and Baptist Health to determine whether the leave qualifies under the Act. If the employee fails to explain the reasons, leave may be denied. When an employee seeks for the first time for a FMLA qualifying reason, the employee need not expressly assert rights under the FMLA or even mention the FMLA. When an employee seeks leave due to a FMLA qualifying reason, for which Baptist Health and Unum has previously provided FMLA protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave.
   b. Procedure When Leave Is Foreseeable
      An employee must provide initial notice of his/her need for leave to their leader and the Unum Benefits Center (877-663-7437) at least thirty (30) days in advance of a forseeable leave or as soon as the need for leave is known, but no later than ten (10) calendar days from the first date of the absence. The notice must set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. Notice of the leave may be given by the employee's spokesperson (i.e., spouse, adult family member or other responsible party) if the employee is unable to do so. The employee's leader may also contact the Unum Benefits Center on the employee's behalf if the employee is hospitalized, is unable to contact Unum personally or fails to notify Unum of their need for leave.
   c. Procedure When Leave Is Not Foreseeable
      If thirty (30) days advance notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. An employee shall provide at least verbal notice sufficient to make Baptist Health aware that the employee needs FMLA qualifying leave, and the anticipated timing and duration of the leave. Notice should be provided by the employee to their leader and then the Unum Benefits Center. Notice may be given by the employee's spokesperson (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally. When an employee seeks leave due to a FMLA-qualifying reason, for which Baptist Health has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for leave or the need for FMLA leave. NOTE: calling in "sick" without providing more information will not be considered sufficient notice to trigger Baptist Health's obligations under the FMLA.
   d. Designating FMLA Leave
      When an employee requests FMLA leave, or when Unum or Baptist Health acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, Unum will notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances. If Unum determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), Unum will notify the employee of that determination. The designation as FMLA leave is conditional pending review by Unum of required dates of employment, hours worked, and if applicable, medical documentation. When Unum determines that the employee meets the eligibility requirements for FMLA leave, the employee will receive a final approval, in writing, explaining the employee's rights and responsibilities while on FMLA

leave. Similarly, if the employee does not satisfy the eligibility requirements, the employee will receive a notification from Unum explaining the basis for denial.

e. Duty to Cooperate

Employees must respond to Baptist Health's and Unum's questions designed to determine whether an absence is potentially FMLA-qualifying. Failure to respond to reasonable Baptist Health and Unum inquiries regarding the leave request may result in denial of FMLA protection if Baptist Health and Unum are unable to determine whether the leave is FMLA qualifying.

f. Consequences of Failure to Provide Notice

If an employee fails to give timely advance notice with no reasonable excuse, Unum may delay FMLA coverage until thirty (30) days after the date the employee provides notice or may result in denial of FMLA leave of absence.

g. Medical Documentation

When requesting leave to care for the employee's covered family member or service member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, the employee must provide the Unum Benefits Center with medical documentation that includes all the information required by the FMLA. The medical documentation is confidential and should be forwarded to the Unum Benefits Center upon completion from the employee's treating physician, and should not be provided to the employee's leader. The employee must provide the requested documentation to the Unum Benefits Center within fifteen (15) calendar days after Unum's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or Unum provides more than fifteen (15) calendar days to return the requested documentation. If the documentation cannot be returned in a timely fashion despite the employee's diligent, good faith efforts, it is the employee's responsibility to request an extension from Unum prior to the expiration of the initial fifteen (15) days. If an extension request is approved by Unum, the employee will be provided additional time to provide the documentation. Additional request for extensions will be handled on a case-by-case basis.

h. Consequences if an Employee Fails to Obtain the Required Medical Documentation

It is the employee's responsibility to provide the Unum Benefits Center with complete and sufficient medical documentation. Unum shall advise an employee whenever the medical documentation is incomplete or insufficient, and shall state in writing what additional information is necessary to make the documentation complete and sufficient. The medical documentation is considered incomplete if Unum receives the documentation, but one or more of the applicable entries have not been completed. The medical documentation is considered insufficient if Unum receives complete documentation, but the information provided is vague, ambiguous, or non-responsive. Unum will provide the employee an extension of seven (7) calendar days from original due date or ten 10 calendar days from the date of the incomplete documentation, whichever is later, (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by Unum are not cured in the resubmitted medical documentation, Unum may deny the leave and notify Baptist Health of the denial. Medical documentation that is not returned to Unum is not considered incomplete or insufficient, but constitutes a failure to provide documentation. If the employee fails to provide Unum with complete and sufficient medical documentation, despite the opportunity to cure the documentation as provided above, or fails to provide any documentation, Unum may deny the leave and notify Baptist Health of the denial. As a result, Baptist Health may treat the absences as unplanned, which may result in disciplinary action up to and including termination. It is the employee's responsibility to furnish complete and sufficient medical documentation to Unum to support the employee's FMLA request. This provision will apply in any case where Unum requests medical documentation, whether it is the initial documentation, a recertification, a second or third opinion, or a fitness for duty certificate, including any clarifications necessary to determine if such medical documentation is authentic and sufficient.

i. Additional Medical Opinions

If there is reason to doubt the validity of medical documentation, Baptist Health may require an employee to obtain a second opinion by a health care provider designated or approved by Baptist Health, and at Baptist Health's expense. If this second opinion differs from that provided by the employee's physician,

Baptist Health may require the opinion of a third health care provider, designated or approved jointly by Baptist Health and the employee, and at Baptist Health's expense. The third opinion shall be binding. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to FMLA, including maintenance of group health benefits. If the medical documentation does not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and will be treated as paid or unpaid depending upon the other established leave policies which are applicable.

j. Medical Documentation Abroad
In circumstances in which the employee or a family member is visiting in another country, or a family member resides in another country, and a serious health condition develops, Unum shall accept medical documentation as well as second and third opinions from a health care provider who practices in that country. Where medical documentation by a foreign health care provider is in a language other than English, the employee must provide Unum with a written translation of the documentation upon request.

k. Re-certification Requirements
Employees will be required to provide Unum periodic medical re-certifications of their serious health condition if a leave extension is requested or as otherwise permitted by applicable law.

l. Taking and Reporting Intermittent or Reduced Schedule Leave
Leave may be taken intermittently or on a reduced leave schedule when it is for planned and/or unanticipated medical treatment of a serious health condition, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition. An employee may not take FMLA leave on an intermittent or reduced schedule basis for the birth or adoption of a child. When planning medical treatment, the employee must consult with Baptist Health and make a reasonable effort to schedule the treatment so as not to disrupt unduly Baptist Health's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their leader prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both Baptist Health and the employee. If an employee requests FMLA leave on an intermittent or a reduced schedule because of the employee's or a family member's or servicemember's serious health condition, and the requested leave is foreseeable because of a planned medical treatment, Baptist Health reserves the right to transfer the employee temporarily to an available alternative position that better accommodates recurring FMLA leave. The alternative position will have equivalent pay and benefits as the previous position. When reporting a new intermittent or reduced schedule leave, the employee will be required to notify their leader and Unum within ten (10) calendars days of the employee's need for leave or the leave may be denied. If the intermittent or reduced schedule leave is approved by Unum, the employee must notify their leader each time the employee needs to take an intermittent absence, at least two (2) hours prior to the start of their shift or as soon as practicable, and notify the Unum Benefits Center of each absence no later than the end of the next calendar day. Employees on intermittent or reduced schedule leave are not allowed to make up any time taken for the leave and any missed time will be counted towards the employee's FMLA entitlement.

3. Compensation During FMLA Leave
   a. FMLA leave, whether full-time, intermittent or reduced schedule, is an unpaid leave of absence. Baptist Health requires all employees (including employees who are salaried exempt employees) to substitute any unused, accrued PTO and parental benefit for leave taken for the birth, adoption, or foster placement of a child with the employee. An employee (including employees who are salaried exempt employees) absent because of his/her own serious health condition will be required to use PTO, EIB or Pre-merger Sick Leave benefits. An employee who is absent because of his/her family member's or servicemember's serious health condition will be required to use PTO benefits. Once PTO, EIB and/or Pre-merger Sick Leave benefits are depleted, the remainder of the FMLA leave of absence, whether full-time, intermittent or reduced schedule, will be unpaid for all employees, including salaried exempt employees.
   b. If an employee is injured on the job and the injury qualifies as a serious health condition under the FMLA, Baptist Health requires that the time off for the workers' compensation injury be counted against the employee's FMLA leave entitlement. Baptist Health will allow employees to supplement a portion of their

leave with available PTO/EIB or Pre-Merger Sick Leave benefits. Specifically, an employee may use available accrued paid time off to supplement the workers' compensation benefit, not to exceed 80% of the employee's regular weekly wages, during FMLA leave. If the employee chooses NOT to supplement their workers' compensation benefit payment with accrued PTO, EIB and Pre-merger Sick Leave benefits, the employee will be required to complete and submit a *Employee Authorization Not To Be Paid Supplemental PTO* Form (located in Employee Self Service) and submit it to their leader within seven (7) days from the onset of the illness or injury.

c. If an employee is eligible for and is receiving short-term disability payments for a serious health condition under Baptist Health's short term disability policy, Unum and Baptist Health will count the time off that the employee receives this benefit against the employee's FMLA entitlement. Under those circumstances, neither the employee nor Baptist Health can require substitution of accrued paid time off for the short-term disability payments. However, an employee may request NOT to use available accrued paid time off to supplement the short term disability payments received during the FMLA leave. If the employee chooses NOT to supplement their short-term disability benefit payment with accrued PTO benefits, the employee will be required to complete the *Employee Authorization Not To Be Paid Supplemental PTO* form (located in Employee Self Service) and submit it to their leader within fourteen (14) days from the onset of the illness or injury.

4. Benefits While on FMLA Leave

Baptist Health will continue the employee's benefits while the employee is on FMLA leave provided employee contributions are paid on a timely basis. Baptist Health will continue to pay its portion of the employee's applicable benefit costs and the employee must pay their share, if any. During paid leave, the employee's share of the cost will continue to be paid through payroll deductions. Should the employee's leave be unpaid, the Baptist Health Benefits Department will provide the employee with information regarding payment of the employee's share of the cost. A letter with instructions will be sent to the employee's home address.

The employee will have a 30-day grace period in which to make such payments. In the event that the employee does not pay their share of the benefit cost on a timely basis, coverage for the employee and/or employee's dependents may be terminated for the remainder of the leave. Any benefit fully paid by Baptist Health will continue during the employee's FMLA leave. An employee can also choose to cancel participation in all or some of their voluntary benefits upon the start of the employee's FMLA leave. Coverage for these benefits will be reinstated immediately upon the employee's return from leave unless the employee chooses not to reinstate coverage. If the employee does not return to work following their leave, the employee will be required to reimburse Baptist Health for any employee benefits costs still outstanding or paid by Baptist Health on the employee's behalf.

An employee who takes FMLA leave will not lose any seniority or employment benefits that the employee accrued prior to the date on which FMLA leave started except to the extent such benefits are used.

5. FMLA and COBRA

COBRA, which allows employees and former employees to elect to continue group health coverage under Baptist Health's benefit plan in certain cases when group benefits otherwise would end, does not come into play during FMLA leave. This is because, as stated above, employees remain eligible for benefits during FMLA leave. If the employee does not return to work at the end of the leave or if the employee during the leave tells Baptist Health that he or she does not intend to return from FMLA leave, then COBRA may apply to group health coverage. If that happens, the employee later will receive a notice that provides the details about COBRA coverage.

Please contact the Pay & Perks Service Center at 786-662-7178, option 1 for further information regarding employee benefits continuation during leave.

6. Transfer Eligibility for Employees on Full-Time FMLA Leave

Employees on full-time FMLA leave will not be permitted to apply for transfer during their FMLA leave of absence unless there is a mutual agreement between the current department leader, the HR Site Consultant and the employee.

7. Return from Leave/Reinstatement
   a. The employee is expected to return to work from FMLA leave the day following the approved leave end date unless the employee has requested a leave extension from the Unum Benefits Center and their leader;
   b. The employee must notify their leader of their intent to return from FMLA leave and submit a Notice of Intention to Return from Leave to their leader at least five (5) days prior to the planned return date;
   c. If the FMLA leave is for the employee's own serious health condition, the employee must bring a completed Physical Capacity Evaluation (PCE) form from their physician to the Employee Health Office to obtain return to work clearance;
   d. Once the employee is released to work by the Employee Health Office, the employee is required to contact the Unum Benefits Center (877-663-7437) to report their actual return to work date (first date the employee clocks into work);
   e. Upon receipt of the employee's reported return to work date, Unum will email the employee's leader requesting confirmation of the actual return to work date;
   f. The leader is responsible to respond to Unum's email requesting return to work confirmation as soon as possible and no later than two (2) business days of receipt of Unum email;
   g. When an employee returns to work from FMLA leave, he or she will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee has no greater right to reinstatement or to other leave benefits and conditions of employment than if he/she has been continuously employed during FMLA leave.

8. Failure to Return to Work from FMLA Leave
   If an employee gives unequivocal notice of intent not to return to work, Baptist Health's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. Baptist Health may recover its share of health plan premiums during a period of unpaid FMLA leave from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to: (1) The continuation, recurrence, or onset of either a serious health condition of the employee or the employee's family member, which would otherwise entitle the employee to leave under FMLA; or (2) Other circumstances beyond the employee's control. Failure to return to active employment on the day following the FMLA leave end date will be regarded as abandonment of the employee's job, unless an extension request has been received by the employee's leader and Unum at least five (5) days prior to the leave end date.

9. Outside or Supplemental Employment While on FMLA Leave
   An employee on a full time FMLA leave for their own serious health condition may not work at another job during the duration of the leave, unless such outside employment is not consistent with the FMLA leave offered by BHSF. Employees on FMLA leave must notify their Human Resources Consultant if he/she is employed in another position with an outside employer in order to determine FMLA eligibility. Failure to disclose this information may lead to revocation of FMLA protected leave and may also lead to disciplinary action.

10. Extend to Medical Non/FMLA Leave or Work Related Injury Leave
    An employee unable to return to work on the day following the FMLA leave end date, due to continued medical reasons, may apply for a leave extension at least five (5) days prior to their FMLA leave end date. The employee is required to notify their leader of their need for leave extension and contact the Unum Benefits Center to request for a leave extension. Once Unum is advised of the employee's need for leave extension due to the employee's continued medical reasons, Unum will place the employee on Medical Non-FMLA Leave or Work Related Injury Leave and all rules for Medical Non-FMLA Leave and Work Related Injury leave will

apply. Updated medical documentation will be required to be submitted to Unum for continued medical leave. The employee's request for an extension will also be considered and administered in accordance with the Americans with Disabilities Act, as appropriate.

11. Extend to Personal Leave

An employee, who for personal reasons wants to extend his or her leave beyond their FMLA covered leave of absence, may apply for a leave extension at least five (5) days prior to their FMLA leave end date. The employee is required to notify their leader and the Unum Benefits Center of their need for Personal Leave extension. The employee's leader is encouraged to consider what accommodations can be made to allow employees to take Personal Leave of Absence and consider the length of the employee's service in determining whether the leave extension is appropriate. If the employee is in good standing and has not been granted a Personal Leave in the twelve (12) months preceding the leave request, the employee may be eligible for Personal Leave. Employees in good standing are those employees who have not received a formal corrective action within the previous six (6) month period. The leader must balance the individual's desire for additional leave against the department's staffing requirements before he or she can approve a Personal Leave extension. If the extension is denied by the leader, the employee is expected to return to work the day following the FMLA leave end date. If the leave is approved, the leader advises the employee to immediately contact the Unum Benefits Center to file their request for a Personal Leave extension. When Unum receives the request for leave extension, Unum will email the employee's direct leader to obtain approval for the Personal leave and the leave dates approved. All rules for Personal Leave will apply.

12. Fitness for Duty Certification

To return to work from FMLA leave because of a serious health condition of the employee, or for any other type of leave taken for medical or health reasons in excess of three (3) full consecutive calendar days (including but not limited to short-term disability, workers' compensation injury, and PTO used for medical or health reasons), the employee must provide their respective Employee Health Office with a completed Physical Capacity Evaluation (PCE) form or medical documentation from the employee's health care provider that states that the employee is able to resume work with or without restrictions. If the employee fails to provide the PCE form or medical documentation to Employee Health before the FMLA leave ends, the employee will not be permitted to return to work. An employee who does not provide a fitness-for-duty certification or request additional FMLA leave before the leave ends is no longer entitled to reinstatement under the FMLA. The employee must pay the cost of obtaining the fitness for duty certification. Baptist Health will not require a fitness for duty certification for intermittent leave unless reasonable safety concerns exist regarding the employee's ability to perform his or her duties, based on the serious health condition for which the employee took such leave. Reasonable safety concerns mean a reasonable belief of significant risk of harm to the individual employee or other. In determining whether reasonable safety concerns exist, Baptist Health will consider the nature and severity of the potential harm and the likelihood that potential harm will occur. In the event that Baptist Health finds that reasonable safety concerns exist, Baptist Health will require a certification of fitness to return to duty up to once every thirty (30) days for such absences. For intermittent leave, Employee Health and Leave and Disability Administration will review the fitness for duty certification. Baptist Health may contact the employee's health care provider for purposes of clarifying and authenticating the fitness-for-duty certification.

Baptist Health may require an employee to submit to further evaluation only as permitted, or required, by applicable law. In certain cases, further evaluation by the Employee Health Office may occur after the employee returns to work. Such evaluations shall be conducted in accordance with the Americans with Disabilities Act. If the employee were unable to perform an essential functions of that equivalent position even with reasonable accommodation, because of disability, including continuation of a serious health condition or an injury or illness also covered by workers' compensation, Baptist Health may make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship. Any employee who is released to work from FMLA leave, or any other leave, with restrictions, must provide notice to the Employee Health Office, forty-eight (48) hours prior

to the employee's return, so that an assessment can be made as to whether such restrictions can be accommodated.

13. Administration of the Policy
Baptist Health will administer this policy in a uniform, non-discriminatory fashion in accordance with all applicable laws, including but not limited to, the Americans with Disabilities Act (ADA).

SUPPORTING/REFERENCE DOCUMENTATION:

- N/A

RELATED POLICIES, PROCEDURES, AND ASSOCIATED FORMS:

- Unum Leave of Absence Brochure
- Employee Authorization Not To Be Paid Supplemental PTO form
- Physical Capacity Evaluation form
- Notice of Intent to Return from Leave form
- Employee FMLA Rights and Responsibilities flyer
- BHSF Administrative Policy 3410 Medical Non-FMLA Leave of Absence – Human Resources
- BHSF Administrative Policy 3425 Personal Leave of Absence – Human Resources
- BHSF Administrative Policy 3325 Short Term Disability – Human Resources
- BHSF Administrative Policy 3375 Work Related Injury Leave of Absence – Human Resources
- BHSF Administrative Policy 1500 Accommodations for Applicants and Employees with Disabilities – Human Resources
- BHSF Administrative Policy 3800 Paid Time Off – Human Resources
- BHSF Administrative Policy 6610 Omnibus Accountability Policy for Leaders – Human Resources

ENFORCEMENT & SANCTIONS:

Violation of this policy may lead to disciplinary action, up to and including termination of employment.