

Family and Medical Leave (FMLA) Policy

1.0 PURPOSE AND SCOPE

- 1.1 PCA recognizes that employees may from time to time need to be excused from work to address family and/or medical issues. Under this Policy, unpaid job-protected leave may be taken continuously on a reduced schedule or intermittently.
- 1.2 This policy applies to all PCA employees.

2.0 ELIGIBILITY

- 2.1 An Employee is eligible for leave under this Policy provided he/she has been employed:
 - 2.1.1 for at least 12 months within the previous seven (7) years by PCA. Employment does not have to be for consecutive months, and
 - 2.1.2 has recorded actual hours worked of at least 1,250 hours with PCA during the previous 12- month period prior to the start of the leave.
- 2.2 An Employee who meets the above requirements is considered an Eligible Employee.

3.0 APPLICATION OF POLICY

- 3.1 The Family and Medical Leave Act entitles an Eligible Employee to take unpaid, job-protected leave for specified family and medical reasons, with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
 - 3.1.1 An employee may be granted up to 12 weeks of unpaid FMLA leave.
 - 3.1.2 For a leave to care for a covered servicemembers' serious injury or illness, an employee may be granted up to 26 weeks of unpaid FMLA leave.
- 3.2 The 12 and 26 week leave periods represent the combined total amount of FMLA leave available to Eligible Employees in a rolling 12-month period measured backward from the date an employee uses FMLA. Each time an employee takes leave, PCA will compute the amount of time the employee has taken under this Policy within the past 12 months and subtract it from the 12- or 26- week period of available leave. This will determine the balance of remaining leave entitlement.
- 3.3 Eligible employees are entitled to 12 weeks of FMLA leave for any of the following reasons:

- 3.3.1 For birth of a son or daughter, and to care for the newborn child;
 - 3.3.2 For placement with the employee of a son or daughter for adoption or foster care;
 - 3.3.3 To care for the employee's spouse, son, daughter, or parent who has a Serious Health Condition.
 - 3.3.4 Because of a Serious Health Condition that makes the employee unable to perform one or more of the essential functions of the employee's job.
- 3.4 Eligible employees are entitled up to 26 weeks of FMLA leave for any of the following reasons:
- 3.4.1 Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty (or has been notified of an impending call or order to covered active duty status in support of a contingency operation).
 - 3.4.2 To care for a covered servicemember with a serious injury or illness.
- 3.5 **Leave Taken Intermittently or on a Reduced Schedule.** When medically necessary, leave to care for an employee's or family member's Serious Health Condition may be taken intermittently or on a reduced schedule basis. If the leave is foreseeable, PCA may temporarily transfer an employee to an alternative position for which the employee is qualified. Such a transfer would be to a position that has equivalent pay and benefits and better accommodates reoccurring periods of leave.
- 3.6 **Definition of Key Terms**
- 3.6.1 **Serious Health Condition.** An illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
 - **Inpatient Care.** An overnight stay in a hospital, hospice or residential medical care facility, including any period of incapacity.
 - **Continuing Treatment.** Involves continuing treatment by a health care provider and includes any one of the following:
 - Incapacity and treatment;
 - Pregnancy or prenatal care;
 - Chronic conditions;
 - Permanent or long-term conditions; and
 - Conditions requiring multiple treatments.
- Situations that are not generally considered Serious Health Conditions.** Conditions for which cosmetic treatments are administered are not Serious Health Conditions unless inpatient hospital care is required or unless complications develop. Unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease are examples of conditions that are not Serious Health Conditions
- 3.6.2 **Incapacity.** The inability to work or perform other regular daily activities due to the Serious Health Condition, treatment therefore, or recovery therefrom.

- 3.6.3 **Treatment.** Includes but is not limited to examinations to determine if a Serious Health Condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes but is not limited to a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.
- 3.6.4 **Key Employee.** PCA may deny job restoration to certain key employees if such denial is necessary to prevent substantial and grievous economic injury to PCA's operations. A key employee is defined as an employee who is among the highest paid 10% of all the employees employed by PCA within 75 miles of the employee's worksite. Such key employees will be notified of their rights and responsibilities in accordance with applicable law.

4.0 LEAVE TAKEN FOR BIRTH, ADOPTION OR FOSTER CARE

- 4.1 Leave may be taken for any period of incapacity due to pregnancy, for prenatal care or for the mother's own Serious Health Condition following the birth of a child. Circumstances may require leave begin before the actual date of the birth of a child if her condition makes her unable to work.
- 4.2 Leaves for the birth of a child or for the placement of a child for adoption or foster care may not be taken on an intermittent or reduced leave schedule unless permitted by state leave. Both the mother and father are entitled to continuous bonding leave. An employee's entitlement to bonding leave expires at the end of the 12-month period beginning from the date of birth.
- 4.3 Spouses who are eligible for FMLA leave and who are both employed by PCA may be limited to a combined total of 12 weeks of leave during the rolling 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a Serious Health Condition. If one spouse is ineligible for FMLA leave the other spouse would be entitled to a full 12 weeks of FMLA leave. Where spouses both use a portion of the total 12-week FMLA leave entitlement for a reason(s) identified above, the spouses would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for other purposes.

5.0 LEAVE FOR TREATMENT OF SUBSTANCE ABUSE

- 5.1 FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- 5.2 Treatment for substance abuse does not prevent PCA from taking employment action against an employee. PCA will not take action against the

employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if PCA determines that the employee violated PCA's non-discriminatory policy against substance abuse, pursuant to that policy the employee may be subject to disciplinary action, up to and including separation of employment regardless of whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse.

6.0 COORDINATION WITH OTHER LEAVE BENEFITS

- 6.1 **Vacation.** Employees may be required to use up to one (1) week of Vacation each calendar year concurrent with FMLA under the following circumstances:
- 6.1.1 For an employee's own Serious Health Condition when FMLA is taken on an intermittent basis; and
- 6.1.2 For the care of a family member when FMLA is taken either intermittently or on a continuous basis.
- 6.1.3 Use of Vacation concurrent with intermittent FMLA is subject to the following conditions:
- State law;
 - Terms and conditions of a Labor Agreement; and/or
 - Established custom and practice at a union location.
- 6.2 FMLA runs concurrently with any leave covered by Short-Term Disability ("STD") or workers' compensation.
- 6.3 This policy will be administered in conjunction and in coordination with any required state leave requirements.

7.0 CERTIFICATION AND VERIFICATION

- 7.1 **For Serious Health Condition**
- 7.1.1 An employee must provide PCA's Absence Management Center (AMC) with sufficient and complete medical documentation supporting the employee's request for leave. The documentation must be completed by a health care provider and received by the AMC no later than 15 days from the date leave commences.
- 7.1.2 The employee is responsible for paying for the cost of the medical certification and for making sure the certification is provided to the AMC.
- 7.1.3 The AMC will not evaluate the leave request or continuation of leave until the employee submits the required medical certification.
- 7.1.4 Annual certification. If the employee's need for FMLA leave lasts beyond a single FMLA leave year, the AMC will require the employee to provide a new medical certification in each new FMLA leave year.
- 7.1.5 Recertification of an employee's condition may be required not more than once every 30 days.
- 7.1.6 Employees on leave are required to provide their PCA location with periodic updates of their status, intention to return to work, or recertification on a reasonable basis.

7.1.7 Upon returning to work from a leave of absence, all employees will be required to provide certification from the employee's health care provider that the employee is able to resume work. Certification from the health care provider will be required when the employee is unable to return to work because of the continuation, recurrence, or onset of a serious health condition of the employee or of the employee's family member.

- 7.2 ***For Leave for the Care of a Child After Birth, Adoption or Foster Placement.*** PCA may require employees taking leave under this policy for the care of a child after birth, foster placement, or adoption, to provide a birth certificate or other documentation verifying the need for leave, within fifteen (15) days of PCA's request.
- 7.3 ***For a Qualifying Exigency or a Covered Servicemember's Serious Injury or Illness.*** Employees seeking FMLA leave because of a qualifying exigency or to care for a covered servicemember's serious injury or illness may also be required to provide certification demonstrating the need for such leave.

8.0 STATUS OF BENEFIT PLANS DURING APPROVED FMLA LEAVE

- 8.1 ***Medical/Vision/Dental Plans (where applicable).*** The employee and eligible dependents will continue to participate in these Plans. Health benefits will be maintained during any period of unpaid leave under the same conditions as if the employee continued to work.
- a) If an employee has health and welfare insurance coverage under PCA's benefit plans, deductions for the employee's benefits coverage will continue as long as the employee is receiving pay from PCA. If the employee's leave or any portion is unpaid, the employee is required to continue paying his or her portion of the premiums. As soon as the employee's leave becomes unpaid, a monthly invoice will be mailed to the employee's home for the portion of the premium.
 - b) If the employee is more than 30 days late in making a health insurance premium payment, PCA's obligation to maintain health insurance coverage ceases, and coverage may be terminated upon due notice. At least 15 days before coverage is to cease, PCA will mail the employee notice advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date.
 - c) In its sole discretion, PCA may pay the employee's share of the health insurance premium if the employee fails to make the premium payment. PCA will then be entitled to recoup any such payments that it has made on the employee's behalf.
 - d) Additionally, if the employee does not return to work after completion of FMLA leave, PCA will be entitled to reimbursement for its share of health insurance premium costs incurred during the employee's leave. The sole exceptions will be if the employee does not return to work because of a situation that would otherwise entitle the employee to FMLA leave or because of circumstances beyond the employee's control.

- 8.2 **Group Life Insurance Plan.** Coverage in the basic life and AD&D portion will continue at no cost to the employee.
- 8.3 **Pension Plan.** Crediting of service during an FMLA leave will be governed under the applicable benefit schedules of the pension plan in which the employee is a participant (if any). The PCA Benefits Center should be contacted with any questions.
- 8.4 **401(k) Savings Plan.** During an FMLA leave, an employee's participation in this Plan is subject to and governed by the rules of the Plan document. The PCA Benefits Center should be contacted with any questions. However, the employee will continue to be credited with service toward vesting and eligibility to participate in the Plan.
- 8.5 **Family Status Change.** An employee's benefits choice for health care, insurance and dependent care programs generally must remain in effect during the entire calendar year unless he or she has a qualifying change in family status. Please contact the PCA Benefit Center with any questions and/or changes.
- 8.6 **Other Benefits.** Employees on paid FMLA leave (i.e., employees who substitute paid leave for FMLA leave under this policy) will continue to accrue employment benefits (e.g., paid time off, seniority, etc.) during leave, but only to the extent the employee is entitled to such benefits. Employees on unpaid FMLA leave cease accruing such benefits during leave, unless otherwise provided in this policy or unless otherwise required by applicable law.
- 8.7 Except for the special provisions in this Policy, there are no intended conflicts between the benefits information highlighted above and the official documents that govern PCA's benefit plans; however, if one should occur, the Plan documents will control in all instances.

9.0 RETURNING FROM LEAVE – FITNESS FOR DUTY

- 9.1 An employee returning from an FMLA leave due to his or her own Serious Health Condition may be required to submit a Fitness for Duty certification from the employee's health care provider certifying that the employee is medically fit to resume work in addition to the general medical return to work release. PCA requires that the fitness for duty certification address the employee's ability to perform the essential functions of the employee's job. If the employee does not provide a fitness for duty certification, or medical return to work release, reinstatement will be delayed until a release is provided. Under appropriate circumstances, PCA may require further medical assessment. Fitness for Duty certification may be required for intermittent leave in appropriate intervals as permitted by applicable law.

10.0 REINSTATEMENT

- 10.1 On return from FMLA leave, an employee 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 is entitled to such reinstatement even if the

employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

- 10.2 If changes in the business or work environment occur, an employee who would have been laid off had they been on active employment status at the time will not be guaranteed reinstatement.

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