

#### **5.8.4.12 Family and Medical Leave**

Although the archdiocese is not covered by most laws pertaining to Family and Medical Leave, in accordance with the Church's teachings on social justice, the archdiocese as a matter of policy has chosen to extend this benefit to all locations and all staff members. The archdiocesan policy is patterned after state and federal rules and regulations.

Family and Medical Leave is a leave of absence without pay for incapacity due to pregnancy, prenatal medical care, or childbirth; to care for a child after birth (also known as baby bonding leave) or placement for adoption or foster care; or to care for a spouse, registered domestic partner, son or daughter, or parent who has a serious health condition that makes the employee unable to perform his or her job, including active participation in an ongoing drug or alcohol rehabilitation program.

A serious health condition is 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 health care provider for 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.

An employee with a serious health condition involving a period of incapacity of more than three consecutive calendar days may take a leave of absence, provided eligibility requirements are met.

#### **Eligibility**

[Regular full-time and regular part-time employees](#) who are regularly scheduled to work at least 20 hours per week in any job classification and have been employed by the archdiocese at any location for at least 12 months preceding the leave are eligible for Family and Medical Leave. The 12 months of employment need not be consecutive provided that the continuous break in service is not more than seven years. However, employees are eligible for [Pregnancy Disability Leave](#) at any time after the date of hire, regardless of the minimum hours worked or length of service. Eligibility for Family and Medical Leave for the birth of a child, adoption, or placement of a foster child expires 12 months from the birth, adoption, or placement date.

#### **Maximum Length of Leave**

The maximum length of Family and Medical Leave is 4 months (16 weeks) of leave within any 12-month period. The 12-month period for Family and Medical Leave is measured forward from the date the employee begins his or her Family and Medical Leave. For example, an employee whose initial leave of absence begins on May 1 may take up to 4 months of Family and Medical Leave during the 12-month period between May 1 and April 30, with eligibility for another 4 months of Family and Medical Leave effective May 1 of the next year.

Time-off benefits such as [vacation](#), [paid sick leave](#), and eligibility for Family and Medical Leave do not accrue while an employee is on leave.

#### **Required Certification for Leave**

The length of the leave is determined and certified in writing by a physician and is not to exceed the leave maximum designated for the type of leave taken. The employee is required to inform the person in charge

of the status of the leave and any changes in the expected date of return. The person in charge should notify the appropriate administrator or the [Human Resources Department](#) of any changes in the employee's return date. Employees not returning to work on the date in the physician's release may be considered to have [voluntarily resigned](#) unless other arrangements have previously been made.

### **Intermittent Leave**

If medically necessary, intermittent or reduced leave is permitted for a serious health condition of oneself or a parent, child, spouse, or registered domestic partner. A physician must certify the illness. Only the amount of time the employee takes off can be counted as Family and Medical Leave. An employee on an intermittent leave may be transferred temporarily to a different job that could better accommodate recurring periods of leave. The job should offer equivalent pay and benefits.

### **Conditions of Leave**

The following conditions apply to Family and Medical Leave:

- The length of the leave is not to exceed four months.
- A physician must certify the medical necessity in writing.
- The employee must keep the person in charge informed of the status of the leave and any changes in the expected date of return.
- Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

### **Leave Is Unpaid**

Family and Medical Leave is unpaid, but employees may use any accrued [sick time](#) or [vacation](#), where applicable, during their leave. This paid time off will be counted against the Family and Medical Leave entitlement. Employees who have elected [voluntary disability insurance](#) coverage may choose to apply for their disability benefit if they are taking a leave for their own illness. Employees receiving disability payments cannot simultaneously receive sick or vacation pay.

### **Spouses Employed by the Archdiocese**

When both parents are employed at the same archdiocesan location, Family and Medical Leave time is limited to a total of four months for both parents together for the birth, adoption, or foster care of a child, or for the care of a seriously ill parent.

### **Procedure to Request Leave**

An employee requiring Family and Medical Leave must:

- Complete a [Leave of Absence Request form](#) (HR intranet; username and password required)
- Submit it to the person in charge and the appropriate administrator for approval at least 30 days in advance of a foreseeable leave (i.e., birth of child, adoption, etc.) or with as much advance notice as is possible

Employees are required to provide certification and periodic recertification supporting the need for the leave. For leave to care for oneself or an ill parent, spouse, registered domestic partner, or child, an employee provides a written statement from a physician certifying the following information:

- Date of the onset of the serious health condition
- Duration of the condition
- Pertinent medical facts
- Verification of the need for the employee to care for the seriously ill individual or of the employee's inability to perform his or her job functions
- Estimate of the amount of time required to care for the ill family member or for the employee's return to good health
- If requesting leave to take care of a service member ([Military Caregiver Leave](#)), an employee must provide a written statement from a U.S. Department of Defense authorized health provider or Veterans Affairs health care provider confirming that the covered service member's injury or illness was incurred in the line of duty on active duty and requires care

### **Extension of Leave**

Although the maximum time normally granted for a Family and Medical Leave is four months and up to 26 weeks for [Military Caregiver Leave](#), under exceptional circumstances the person in charge may approve a written request for medical leave extension for a person who does not have a qualifying disability. Continuing employment is based on the needs of the location and its budget constraints. If an extension of leave is granted, the person in charge should send a written notice of approval to the employee.

### **Return to Work**

All employees returning from Family and Medical Leave must present a doctor's note fully releasing them to return to work. If a doctor releases an employee to return to work with any restrictions, the employee's location administrator will give the employee a list of his or her essential job duties to help the doctor evaluate the employee's ability to return to work. Employees must present their doctor's written certification confirming their fitness for duty and ability to perform the essential functions before being allowed to return to work.

Employees on Family and Medical Leave of up to four months are assured of reinstatement in their former position or in a job of equivalent status and pay upon their return to work. An employee who has exhausted the four-month Family and Medical Leave may request and be granted an extension of leave as a reasonable accommodation for a qualified disability. Note however, that an employer is not required to provide an indefinite leave of absence if another reasonable accommodation is available.

Employees who are absent for more than four months and whose leave of absence is not extended as a reasonable accommodation for a qualified disability cannot be assured of return to their position and their employment may be terminated. An employee who does not return to work on the date given in the physician's release and for whom no other accommodation is made is considered to have [voluntarily resigned](#).

### **Leave at the End of the School Year**

A school may require an employee employed principally in an instructional capacity to continue a leave until the end of a school term under the following conditions:

- The leave is at least three weeks long, begins more than five weeks before the end of the term, and return would occur during the three weeks before the end of the term.
- The leave is more than two weeks long, begins less than five weeks before the end of the term, and return would occur during the two weeks before the end of the term.
- The leave is more than five working days and begins less than three weeks before the end of the term.

If a school is considering an extension of leave, it must consult with the [Department of Catholic Schools](#) or the archdiocesan [Office of the Legal Counsel](#).

### **Insurance Coverage During Leave**

While on Family and Medical Leave, the employee's [group insurance](#) coverage will continue at the regular premium cost for a period of four months. Employees are responsible for making their payments to the employer; the employer continues to pay the employer's share of the cost.

### **Insurance Premium Reimbursement**

The archdiocese may seek reimbursement of insurance premiums from employees who fail to return from leave, unless their failure to return is the result of continuing or recurring serious health conditions that would entitle them to Family and Medical Leave or other circumstances beyond their control.

### **Continuation of Benefits Eligibility**

According to the archdiocese continuation of benefits process, employees who are still disabled after four months or who do not return to work after 4 months may continue their [group insurance](#) coverage for 18 months, but they are responsible for the cost of the entire premium plus an administrative fee. Premium payments should be mailed directly to the health insurance administrators.

See the Leave of Absence Guidelines for Managers ([English version](#) and [Spanish version](#) – HR intranet; username and password required), [Leave of Absence Request](#) (HR intranet; username and password required), [Family and Medical Leave Notice of Eligibility and Rights and Responsibilities Notice](#) (HR intranet; username and password required), and [Family and Medical Leave Designation Notice](#) (HR intranet; username and password required).

#### **5.8.4.13 Military Family Leave**

The archdiocese provides various types of leave for current and former members of the Armed Forces, National Guard, and Reserves. The rules that apply to each of the leaves can be complicated; therefore, if an employee requests military-related leave, consult the [Human Resources Department](#) for guidance. Additional information is available from the U.S. Department of Labor in [The Employer's Guide to Military Family Leave Under the Family and Medical Leave Act](#).

#### **5.8.4.14 Military Qualifying Exigency Leave**

Eligible employees with a spouse, son, daughter, or parent in the regular Armed Forces, National Guard, or Reserves who is on active duty or call or order to active duty status in support of a contingency operation in a foreign country may take a leave of absence to address certain qualifying exigencies, which may include:

- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Attending certain counseling sessions
- Attending post-deployment reintegration briefings

Exigency leave is an additional qualifying reason available to an employee to take Family and Medical Leave of up to 4 months in a 12-month period as defined by archdiocesan policy. An employee requesting Military Qualifying Exigency Leave must provide written documentation confirming the military member's active duty status or call to active duty status in support of a contingency operation.

#### **5.8.4.15 Military Caregiver Leave**

Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. The employee must be a spouse, son, daughter, parent, or next of kin of the covered service member.

#### **Covered Service Member**

Covered service members include:

- A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is in outpatient treatment; or is on the temporary disability retired list for a serious injury or illness
- A veteran of the Armed Forces (including a member of the National Guard or Reserves) discharged within the five-year period before the family member first takes Military Caregiver Leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness

A veteran who was dishonorably discharged is not a covered service member.

The period between enactment of the legislation on October 28, 2009, and the regulations' effective date of March 8, 2013, is excluded in determining the five-year period for covered veteran status.

#### **Confirmation of Injury or Illness**

An employee requesting Military Caregiver Leave must provide a written statement from a U.S. Department of Defense authorized health provider or Veterans Affairs health care provider confirming that the covered service member's injury or illness was incurred in the line of duty on active duty and requires care.

#### **5.8.4.16 Military Spouse Leave**

During a period of military conflict, a spouse of a member of the Armed Forces who has been deployed to a combat zone, or of a member of the National Guard or Reserves who has been deployed, is entitled to take up to 10 days of unpaid leave during the time that the member of the Armed Forces, National Guard, or Reserves is on leave from deployment. The employee must be employed for more than 20 hours a week, provide notice of at least two business days after receiving official notice of the deployment leave, and submit written documentation certifying that the member of the Armed Forces, National Guard, or Reserves is actually on deployment leave during the requested time off.

See the [Leave of Absence Request](#) (HR intranet; username and password required).

#### **5.8.4.17 Military Service Leave**

The archdiocese provides leaves of absence without pay for all [regular full-time or part-time employees](#) who enter military service for active duty. If an employee is returning from military service and meets the eligibility requirements for reemployment as defined by the Uniformed Services Employment and Reemployment Rights Act (USERRA), he or she will be restored to the job and benefits the service member would have attained if he or she had not been absent due to military service or, in some cases, a comparable job.

For employees fulfilling a six-year Reserve obligation, the archdiocese pays the difference between the military base pay and the employee's base salary for two weeks a year. For absence owing to military duty over the paid two weeks, the employee will be placed on unpaid leave without loss of employment or service time.

See the [Leave of Absence Request](#) (HR intranet; username and password required).

#### **5.8.4.18 Organ and Bone Marrow Donors' Leave**

Employees who choose to donate organs or bone marrow to another person are provided with the following paid leaves:

- Organ donors are provided with a 30-day (workdays) leave of absence in any one-year period
- Bone marrow donors are provided with up to a 5-day (workdays) leave of absence in any one-year period

Employees must provide written verification to their supervisor and the [Human Resources Department](#) of the need for the leave, stating they are an organ or bone marrow donor and that there is a medical necessity for the donation. The employee must use [sick time](#) and [vacation](#) if available. In the event there are no time-off benefits available, the employee may request unpaid time off. Leave for the purpose of donating bone marrow or an organ may not run concurrently with [Family Medical Leave](#).

#### **5.8.4.19 Unpaid Time Off for Parents/Guardians: School Matters**

Employees who are the parents/guardians of a child have the right to take time off from work in order to handle matters related to the child's education. [Non-exempt employees](#) who require parental time off shall use their accrued [vacation](#) time for their leave. Non-exempt employees may also [request make-up time](#). [Exempt employees](#) who **do no work at all** during the entire day while they take parental time off

shall have their time off deducted from their accrued [vacation](#). Employees who have no vacation time available may use any accrued paid [sick time](#) or may request unpaid time off.

### **Suspension from School**

When an employee who is the parent/guardian of a student who has been suspended from school receives a request to appear at the student's school, the employee is entitled to take the unpaid time off for the school appearance. The employee must provide reasonable notice to the employer.

### **Participation in School Activities**

Any employee who is the parent/guardian or grandparent having custody of a child is entitled to time off from work in order to participate in the activities of the child's school or day care facility.

The employee must provide reasonable notice to the employer. Such employees are entitled to take up to 8 hours off each month, up to a maximum of 40 hours per year, in order to participate in the child's school or day care activities.

The employer may request that the employee provide documentation verifying that the time was actually spent participating in the stated activities. However, the employer must accept whatever documentation the school or day care provides the parent/guardian.

#### **5.8.4.20 Personal Leave**

[Full-time employees](#) may apply for an unpaid, personal leave of up to 4 months if they have used up all their [vacation](#) time and either have exhausted all other time off or are not eligible for any other leave. Employees may be reinstated to their former or similar position **only** if they return to work within 60 calendar days. The archdiocese may consider granting a maximum of 12 months for educational purposes. Employees may continue [insurance](#) coverage while on approved personal leave of up to 4 months, but they are responsible for the entire cost of the premium.

Personal leaves require written approval from the person in charge; at the [Archdiocesan Catholic Center](#), personal leaves of more than 30 days require written approval of the moderator of the curia.

See the [Leave of Absence Request](#) (HR intranet; username and password required).

#### **5.8.4.21 Pregnancy Disability Leave**

The archdiocese provides Pregnancy Disability Leave for up to 18 weeks per pregnancy for pregnancy-related conditions. Pregnancy disability leave must be certified by a physician's note. After completing her Pregnancy Disability Leave, a woman may take up to three months of additional [Family and Medical Leave](#) to stay home and care for her child (baby bonding leave).

A woman may take up to 18 weeks leave for pregnancy disability based on the number of days or hours she is normally scheduled to work. For example, for a full-time, 40-hour/week employee, 18 weeks is equivalent to 720 hours or 18 weeks x 40 hours. For a part-time, 20-hour/week employee, 18 weeks is equivalent to 360 hours or 18 weeks x 20 hours.

Covered pregnancy conditions include pregnancy, childbirth, or related medical conditions including but not limited to "morning sickness," lactation-related medical conditions such as mastitis, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy, or recovery from loss or end of pregnancy.

Pregnancy disability leave must be certified by a note from the woman's physician or other appropriate health care provider.

### **Leave Is Unpaid**

Pregnancy Disability Leave is unpaid, but employees may use any accrued [vacation](#) or [sick time](#), where applicable, during their leave. This paid time off will be counted against the Pregnancy Disability Leave entitlement. Employees who have elected [voluntary disability insurance](#) coverage may choose to apply for their disability benefit if they are taking a leave for their own pregnancy. Employees receiving disability payments cannot simultaneously receive sick or vacation pay.

### **Benefits during Pregnancy Disability Leave**

An employee is eligible for up to 18 weeks of benefits coverage during Pregnancy Disability Leave and up to 12 additional weeks of benefits coverage during Family and Medical Leave for a maximum of up to 30 weeks. The employee is responsible for her regular premium cost and must make arrangements with her administrator to pay premiums.

### **Reinstatement after Pregnancy Disability Leave and Family and Medical Leave**

The employee returning from Pregnancy Disability Leave or a combined Pregnancy Disability/[Family and Medical Leave](#) is guaranteed a right to the same position or under certain circumstances, to a comparable position.

**Note:** Because the archdiocese is [exempt from California Unemployment Insurance and Disability Insurance programs](#), Paid Family Leave is not available to employees.

### **5.8.4.22 Workers' Compensation Leave**

Employees of the archdiocese are covered under a self-insured plan approved by the state, which guarantees that work-related injuries or illnesses that cause employees to be unable to work are covered under [Workers' Compensation](#), pursuant to the laws of the State of California.

If an employee is injured on the job and a physician certifies that he or she is unable to perform the essential functions of the job, the employee is eligible for a leave of absence equivalent in length and conditions to [Family and Medical Leave](#).

The location will investigate potential accommodations to determine whether a qualified injured worker can perform the essential functions of the job without creating an undue hardship for the location or creating a significant risk to the health and safety of the individual or others. Additional information can be obtained by contacting the [Human Resources Department](#) at the Archdiocesan Catholic Center.

See [Reporting an Injury or Accident](#).



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## Resources

- [Make-Up Time Request Form for Non-Exempt Employees](#)

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