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Title: FAMILY AND MEDICAL LEAVE POLICY		

OVERVIEW

The Family and Medical Leave Act (FMLA) grants eligible employees up to 12 weeks of unpaid, job-protected leave each year for specified family and medical reasons.


This purpose of this policy is to summarize your rights under the FMLA, and it is intended to comply with the FMLA, the U.S. Department of Labor (DOL) regulations under the FMLA, and applicable administrative and judicial interpretations of these laws. This policy is not a substitute for the law, and is not intended to limit any rights conferred upon employees pursuant to law.

Eligibility

To be eligible for FMLA leave, you must have been employed by UUSA:

- For at least 12 months (which need not be consecutive);
- For at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, and
- At a worksite where 50 or more employees are located within 75 miles of the worksite

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You may be eligible to take FMLA leave for one or a combination of the following reasons:

- To care for your spouse, child or parent (but not in-law) with a Serious Health Condition
- Because of a Serious Health Condition that makes you unable to perform one or more of the essential functions of your job
- For incapacity due to pregnancy, prenatal medical care or childbirth
- For the birth of a child or the placement of an adopted or foster child in the home
- Due to a qualifying exigency arising out of a spouse, son, daughter, or parent on (or who has been notified of an impending call to) Covered Active Duty in the Armed Forces
- To care for a Covered Servicemember with a Serious Injury or Illness

Serious Health Condition

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 healthcare provider for a condition that prevents you from performing the functions of your job. The continuing treatment

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requirement may be met by a period of incapacity of more than three consecutive calendar days combined with 1) at least two visits to a health care provider; 2) one visit to a health care provider and a regimen of continuing treatment; 3) incapacity due to pregnancy; or 4) incapacity due to a chronic condition.


Length of Leave

An eligible employee is entitled to up to 12 workweeks of leave during a 12-month period for any FMLA qualifying reason(s). The 12-month period in which the employee may take 12 weeks of leave is calculated on a rolling 12-month basis, looking at the 12 months immediately preceding the initial date for which FMLA leave is requested. For example, if an employee is seeking to take FMLA leave beginning on July 1, and the employee has taken 8 weeks of FMLA leave during the 12 months preceding that date, the employee is entitled to 4 more weeks of leave.

Limitations on Leave

Depending on the state in which you work, in most cases leave to care for a newborn or a newly placed child must conclude within 12 months after the birth or placement of the child. When UUSA employs both spouses, they are

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together entitled to a combined total of 12 workweeks of FMLA leave within the designated 12-month period for the birth, adoption or foster care placement of a child with them, for aftercare of the newborn or newly placed child, and to care for a parent with a Serious Health Condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons.

Because some states may have different coverage, check with People and Culture about your specific situation.

Intermittent or Reduced Work Schedule Leave

FMLA may also be taken intermittently in some situations. Intermittent leave allows you to take leave in blocks of time or to work a reduced schedule where medically necessary because of your own Serious Health Condition or to care for your spouse, child, or parent with a Serious Health Condition. Absent an emergency, employees are obligated to provide notice of the need for intermittent leave that is foreseeable before the start of the employee's scheduled work shift. Intermittent leave must be scheduled with as little disruption to your department as possible (for foreseeable leave, notice should be provided at least 30 days in advance, and if 30 days' notice is not practicable, as soon as practicable).

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To accommodate your request for intermittent leave and minimize disruption to the operation, UUSA may temporarily transfer you to an alternative position with equivalent pay and benefits if permitted by law. Leave to care for a newborn or a newly placed child may not be taken intermittently or on a reduced work schedule unless UUSA agrees with respect to an individual leave request.


Requesting FMLA Leave

Employees should request FMLA leave by scheduling a meeting with the Benefits Manager, who will review the logistics of the leave.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for you or your family member's Serious Health Condition, you must provide UUSA with at least 30 days of advanced notice, or sooner if practicable. Failure to provide such advance notice may be grounds for delay of leave. When the need for leave is not foreseeable, you must provide UUSA with notice as soon as practicable.

Employees must provide sufficient information for UUSA to determine if the leave qualifies as FMLA leave, and the anticipated timing and duration of the leave. Where leave is being taken for the same reason as a prior qualifying

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leave, the employee requesting leave must refer to the prior qualifying leave in the employee's leave request.

Required Documentation


You will be required to submit medical certification from a health care provider to support a request for FMLA leave for you or your family member's Serious Health Condition. Generally, initial medical certifications must be submitted within 15 days after certification is requested, unless receipt of such certification is not practicable in spite of diligent effort by the employee.

If the leave is being requested to care for a family member, the certification must explain why you are needed to care for the family member.

If UUSA determines that an initial medical certification is incomplete or insufficient, you are expected to cure the deficiency within seven days after you have been notified of the deficiency. Failure to timely cure a deficiency (or to submit certification in the first place) will result in delay or denial of FMLA leave.

If UUSA has reason to doubt your initial certification, UUSA may require you to obtain a second opinion by an independent UUSA-designated provider at

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UUSA's expense. If the initial and second certifications differ, UUSA may, at its expense, require you to obtain a third, final and binding certification from a jointly selected health care provider.

During FMLA leave, UUSA may ask you to provide a recertification of a Serious Health Condition at intervals in accordance with the FMLA. In addition, during FMLA leave, you must provide UUSA with periodic reports regarding your status and intent to return to work. If your anticipated return to work date changes and it becomes necessary for you to take more or less leave than originally anticipated, you must notify UUSA of your changed circumstances and new return to work date within two business days. If you give UUSA notice of your intent not to return to work, you will be considered to have voluntarily resigned.

Before you return to work from FMLA leave for your own Serious Health Condition, you will be required to submit a fitness for duty certification from your healthcare provider, with respect to the condition for which the leave was taken, stating that you are able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide

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requested documentation of the reason for an absence from work may lead to termination of employment.


Use of Paid and Unpaid Leave

FMLA provides you with up to 12 workweeks of leave. Any paid leave used for an FMLA-qualifying reason will be charged against your entitlement to FMLA leave. FMLA also permits eligible employees to take up to 26 weeks of leave to care for a Covered Servicemember during a single 12-month period. This includes, but is not limited to, leave for disability, NYPFL, or workers' compensation injury or illness, provided that the leave meets FMLA requirements. The substitution of paid leave for unpaid leave does not extend the 12-work week leave period.

Designation of Leave

UUSA will notify you if leave has been designated as FMLA leave. UUSA may provisionally designate your leave as FMLA leave if UUSA has not received medical certification or has not otherwise been able to determine that your leave qualifies as FMLA leave.

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Maintenance of Health Benefits

During FMLA leave, UUSA will cover the employer portion of health insurance premiums as long as you remain an employee. Likewise, employees will be responsible for the employee portion of the premium while on leave.


Technology and Security Access During FMLA

During the length of an employee's leave, security and IT access will be temporarily suspended. In coordination with HR and IT, their access will be reinstated upon their return. This will include, but is not limited to laptops, security fobs, document storage, reporting portals, and any other system UUSA deems appropriate. If an employee does not return to work from an FMLA leave, IT equipment, keys, and other UUSA property should be promptly returned.

Return from FMLA Leave

In general, upon return from FMLA leave, UUSA will place you in the same position you held before the leave or in an equivalent position with equivalent pay, benefits and other employment terms.

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You are entitled to reinstatement only if you would have continued to be employed had FMLA leave not been taken. Thus, you are not entitled to reinstatement if, because of a layoff, reduction in force or other reason, you would not be employed at the time job restriction is sought.


Failure to Return to Work Following FMLA Leave

If you do not return to work following the conclusion of FMLA leave, you will be considered to have voluntarily resigned. UUSA may recover health insurance premiums that it paid on your behalf during any unpaid FMLA leave, unless you fail to return to work because of your or a family member's Serious Health Condition or serious injury, or illness of a Covered Servicemember which would otherwise entitle you to leave under FMLA, or because of other circumstances beyond your control. In such cases, UUSA may require you to provide medical certification of your or your family member's Serious Health Condition.

Military Service Leave under the FMLA

An FMLA eligible employee with a spouse, son, daughter, or parent on (or who has been notified of an impending call to) Covered Active Duty in the Armed Forces or National Guard and Reserves ("Military Member") may use their

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12-week leave entitlement to address certain military related qualifying exigencies.

Qualifying exigencies may include: (1) the short-notice deployment of a family member (limited to seven or less calendar days prior to deployment); (2) the need to attend military events and related activities; (3) the need to make arrangements for childcare and school activities; (4) the need to make financial and legal arrangements; (5) the need to attend counseling; (6) a family member being released from service for rest and recuperation (limited to 15 days of leave for each instance); (7) a need to attend post-deployment activities; (8) the need to take leave to care for a Military Member's parent who is incapable of self-care when the care is necessitated by the Military Member's Covered Active Duty, which may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility; as well as any (9) additional activities not encompassed by other categories (if agreed upon by the employee and UUSA).

The term "Covered Active Duty" for members of the Armed Forces means duty during deployment to a foreign country. "Covered Active Duty" for members of the National Guard or reserve components of the Armed Forces means military


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duty required of employee during a period of deployment of members of the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.

The FMLA also includes a special leave entitlement that permits eligible employees who are the spouse, son, daughter, parent, or next of kin of a Covered Servicemember to take up to 26 weeks of leave to care for a Covered Servicemember during a single 12-month period beginning on the first day that the eligible employee takes FMLA leave to care for a spouse, son, daughter or next of kin who is a Covered Servicemember and who has a Serious Injury or Illness related to active duty service. The term “Covered Servicemember” means 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 status, or is otherwise on the temporary disability retired list, for a Serious Injury or Illness; or (b) a Covered Veteran who is undergoing medical treatment, recuperation, or therapy, for a Serious Injury or Illness. The term “Covered Veteran” means an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves) and who was discharged or released under conditions


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other than dishonorable at any time during the 5-year period prior to the first date the eligible employee takes FMLA leave to care for the Covered Veteran.

The term “Serious Injury or Illness” means: (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and (b) in the case of a Covered Veteran, means an injury or illness that was incurred or aggravated in the line of duty on active duty and which manifested itself before or after the member became a veteran, and is: (1) a continuation of a Serious Injury or Illness that was incurred or aggravated when the Covered Veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the service member’s office, grade, rank, or rating; or (2) a physical or mental condition for which the Covered Veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or (3) a physical or mental condition that

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substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the Covered Veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When both spouses are employed by UUSA, they are limited to a combined total of 26 weeks in a "single 12-month period" if the leave is to care for a Covered Servicemember with a Serious Injury or Illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent with a Serious Health Condition.

Integration With State and Local Laws

In situations where applicable state or local laws extend eligibility or additional leave benefits beyond the FMLA, the provisions under such state or local laws will also apply.

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