

# Family and Medical Leave Act (FMLA) Policy

**Policy Number:** HR-LOA-005 **Effective Date:** January 1, 2019 **Last Updated:** January 15, 2024 **Owner:** People Operations **Applies To:** US employees meeting eligibility requirements

## Purpose

This policy outlines NovaTech Solutions' compliance with the Family and Medical Leave Act (FMLA) and provides guidance for employees seeking job-protected leave for qualifying family and medical reasons.

## Eligibility

To be eligible for FMLA leave, employees must: - Have worked for NovaTech for at least **12 months** (need not be consecutive) - Have worked at least **1,250 hours** during the 12-month period immediately preceding leave - Work at a location where NovaTech employs at least 50 employees within 75 miles

## Leave Entitlement

Eligible employees may take up to **12 workweeks** of unpaid, job-protected leave in a 12-month period for:

### Qualifying Reasons

1. **Birth and bonding:** Birth of a child and care for newborn within 12 months of birth
2. **Adoption/Foster care:** Placement of child for adoption or foster care within 12 months of placement
3. **Family member's serious health condition:** Care for spouse, child, or parent with serious health condition
4. **Employee's serious health condition:** When employee is unable to perform job functions
5. **Qualifying exigency:** Arising from spouse, child, or parent's active military duty or call to active duty

### Military Caregiver Leave

Eligible employees who are spouse, child, parent, or next of kin of a covered servicemember may take up to **26 workweeks** of leave in a single 12-month period to care for the servicemember with a serious injury or illness.

## 12-Month Period Calculation

NovaTech uses a **rolling 12-month period** measured backward from the date an employee uses any FMLA leave.

Example: If you take 4 weeks of FMLA leave beginning March 1, 2024, you would have 8 weeks remaining until March 1, 2025. On March 2, 2025, you would have one day of FMLA leave available, increasing each day as the year progresses.

## Serious Health Condition Defined

A “serious health condition” includes: - Inpatient care (overnight stay) in a hospital, hospice, or residential medical facility - Conditions requiring continuing treatment: - Incapacity for more than 3 consecutive calendar days requiring treatment - Pregnancy or prenatal care - Chronic conditions (e.g., asthma, diabetes, epilepsy) - Permanent or long-term incapacity (e.g., Alzheimer’s, terminal illness) - Conditions requiring multiple treatments (e.g., chemotherapy, physical therapy)

## Requesting FMLA Leave

### Foreseeable Leave

- Provide **30 days’ advance notice** when leave is foreseeable
- Submit request through Workday under “Leave of Absence” > “FMLA”
- Complete the FMLA Request Form (available in Workday or from HR)

### Unforeseeable Leave

- Notify HR and your manager as soon as practicable
- Follow normal call-in procedures for your department
- Complete FMLA paperwork as soon as possible after leave begins

## Required Documentation

HR will provide the appropriate forms: - **WH-381:** Notice of Eligibility and Rights & Responsibilities - **WH-380-E:** Certification of Employee’s Serious Health Condition - **WH-380-F:** Certification of Family Member’s Serious Health Condition - **WH-384:** Certification of Qualifying Exigency - **WH-385:** Certification for Military Family Leave

Medical certifications must be returned within **15 calendar days**.

## Intermittent and Reduced Schedule Leave

FMLA leave may be taken: - **Continuously:** A single block of time - **Intermittently:** Separate blocks of time for a single qualifying reason - **Reduced schedule:** Reducing usual weekly or daily work schedule

Intermittent/reduced schedule leave for bonding (birth, adoption, foster placement) requires employer agreement. NovaTech generally approves such requests.

### Tracking Intermittent Leave

- Log all FMLA absences in Workday
- Intermittent leave is tracked in increments of 1 hour
- Regular check-ins with HR may be required for ongoing intermittent leave

## Pay During FMLA Leave

FMLA provides **unpaid** leave. However: - Employees may use (or may be required to use) accrued paid leave concurrently - Short-term disability may run concurrently for medical leave - NovaTech's parental leave runs concurrently with FMLA for bonding leave

### Coordination with Paid Leave

Situation	NovaTech Policy	FMLA Status
Birth/adoption	16 weeks paid (primary)	First 12 weeks count as FMLA
Personal illness	Sick leave, then STD	Runs concurrently with FMLA
Family care	Annual leave may be used	Runs concurrently with FMLA

## Benefits During FMLA Leave

### Health Insurance

- Coverage continues on the same terms as if you were working
- You must continue to pay your share of premiums
- Failure to pay premiums may result in loss of coverage

## **Other Benefits**

- 401(k): No contributions during unpaid leave
- Equity: Contact HR for vesting implications
- Other insurance: Generally continues; confirm with HR

## **Job Protection**

Upon return from FMLA leave, you will be restored to: - The same position,  
OR - An equivalent position with equivalent pay, benefits, and other terms

## **Exceptions**

Job restoration is not guaranteed if: - You would have lost the position regardless of leave (e.g., layoff) - You are a “key employee” and restoration causes substantial economic injury (rare; you will be notified if this applies)

## **Returning from Leave**

### **Fitness-for-Duty Certification**

If leave was for your own serious health condition, you may be required to provide a fitness-for-duty certification before returning to work.

## **Return Process**

1. Notify HR and your manager of intent to return at least **2 business days** before planned return
2. Submit fitness-for-duty certification if required
3. Coordinate return details with your manager

## **Prohibited Actions**

NovaTech will not: - Interfere with, restrain, or deny the exercise of FMLA rights - Retaliate or discriminate against employees for using FMLA leave or filing complaints - Count FMLA leave as absence in disciplinary policies

## State Law Interaction

Some states have additional family and medical leave laws that may provide greater benefits. NovaTech complies with all applicable state laws, including: - California CFRA - New York Paid Family Leave - Washington Paid Family and Medical Leave - Others as applicable

Contact HR to understand how state laws apply to your situation.

## Relationship to Other Policies

- **Parental Leave Policy (HR-LOA-003):** NovaTech's parental leave is more generous than FMLA; policies run concurrently
- **Sick Leave Policy (HR-LOA-002):** Sick leave may be used during FMLA
- **Short-Term Disability (HR-BEN-005):** STD runs concurrently with FMLA for personal medical conditions
- **ADA:** Employees exhausting FMLA may be entitled to additional leave as an ADA accommodation

## Contact

For FMLA questions or to request leave, contact: - Email: [fmla@novatech.com](mailto:fmla@novatech.com)  
- Phone: 1-800-555-0198 - Slack: #ask-hr

All FMLA inquiries are handled confidentially.

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*Related Documents: Parental Leave Policy (HR-LOA-003), Sick Leave Policy (HR-LOA-002), Short-Term Disability (HR-BEN-005), Unpaid Leave Policy (HR-LOA-012)*