



FEDERAL FAMILY AND MEDICAL LEAVE ACT POLICY

Employees have rights to family and medical leave and military family leave under the Federal Family and Medical Leave Act (FMLA). Merry X-Ray/SourceOne provides leave in accordance with this law and any applicable state and local laws.

Eligibility Requirements: Employees are eligible for FMLA if: (1) they have worked for Merry X-Ray/SourceOne for at least one (1) year; and, (2) they have worked at least 1,250 hours over the previous 12 months; and, (3) at least 50 employees are employed by Merry X-Ray/SourceOne within 75 miles of the employee's worksite.

How the Amount of Leave is Calculated: Merry X-Ray/SourceOne counts FMLA on a rolling year basis. *For example, Jane took FMLA from April 1 – June 24. She exhausted all 12 weeks during that one FMLA leave. Jane will become eligible for FMLA again on June 25 the following year.*

Types of FMLA: Merry X-Ray/SourceOne provides up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or after receiving placement of a child for adoption or foster care;
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Definition of Serious Health Condition Qualifying for FMLA: 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 (spouse, son, daughter, or parent) from participating in school or other daily activities. The continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider, or one visit and a regimen of continued treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Types of Military Family Leave:

- Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.



- FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty that may render the servicemember medically unfit to perform his or her duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections: During FMLA leave, Merry X-Ray/SourceOne will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. If you are on paid leave (using vacation or PTO time) your payment will be deducted from your paycheck. If you are on unpaid leave, it is your responsibility to pay your portion of the premium by the first of the month of coverage. If employee premium payments are more than 30 days late, coverage may be terminated. You will be required to repay Merry X-Ray/SourceOne any premiums paid on your behalf.

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. If your leave extends beyond your FMLA entitlement or you do not return at the expiration of your leave, you do not have return rights under FMLA. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Substitution of Paid Leave for Unpaid Leave: FMLA is an unpaid leave. At the discretion of management or at the employee's request, the employee may be required to use accrued vacation or PTO time while taking FMLA leave. Under these circumstances, both the paid and unpaid leave count as family and medical leave. FMLA will run concurrently with short or long term disability leave (if the employee has opted for that coverage), or worker's compensation leave.

Use of Leave: An employee does not need to use leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken in an intermittent basis.

Employee Responsibilities to Request Leave: You must request leave from Merry X-Ray/SourceOne's department supervisor and the Human Resources Department. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable. Failure to make proper request may result in denial of leave and discipline under attendance rules.



Employees must provide sufficient information for Human Resources to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. This includes a medical certification stating that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.

Employees also must inform Human Resources if the requested leave is for a reason for which FMLA leave was previously taken or certified by your health care provider. Employees will be required to provide a certification and periodic recertification supporting the need for leave. Failure to provide timely and adequate certification or recertification may result in delay or denial of leave and discipline action or discharge.

Employer Responsibilities: Human Resources will inform employees requesting leave whether they are eligible under FMLA. Eligible employees will be informed of any additional information required as well as the employees' rights and responsibilities. Ineligible employees will be provided a reason for the ineligibility.

Enforcement: Human Resources will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the leave is not FMLA-protected, Human Resources will notify the employee. Employees should immediately contact Human Resources if they dispute the determination.

The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA. The FMLA also makes it unlawful to discharge or discriminate against any person for opposing any practice made unlawful by FMLA, or for involvement in any proceeding under or relating to FMLA.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Fitness for Duty and Return to Work: If you are taking leave due to your own serious health condition, you must provide the completed Fitness to Return to Work Certification (FRWC) form from your health care provider before you return to work. You may obtain the FRWC form from Human Resources. If a complete certification is not timely received, your return to work may be delayed or denied. Failure to return to work at the end of your approved leave may result in termination of your employment.