

POLICY TITLE:

Family Medical Leave Act (FMLA) for Non-Military Leave

*To be reviewed every three years by:
Executive Leadership Team*

REVIEW BY: 7/1/25

PURPOSE

This Policy is intended to balance the demands of providing excellent service in the workplace with personal life needs by providing eligible Employees with leave in accordance with the Family Medical Leave Act (“FMLA”). The purpose of this Policy is for Trinity Health Corporation and its Health Ministries and Subsidiaries (collectively referred to as “Trinity Health”) to provide Employees with a general understanding of their rights under the FMLA when taking non-military FMLA leave.

Trinity Health is committed to administering this Policy in accordance with its Mission, Core Values and commitment to Diversity, Equity and Inclusion.

POLICY

It is the Policy of the Employer to provide Employees leaves of absence for non-military related reasons in accordance with the FMLA. This Policy applies to all Employees who meet the eligibility requirements of the FMLA as set forth in the statute and its regulations.

This Policy will be interpreted to comply with and be consistent with the requirements of the FMLA and is not intended to create rights different from those provided by the FMLA. Leave benefits in addition to FMLA leave may vary based upon state or local leave laws.

Except as context indicates otherwise, references in this Policy related to decisions and communications made by the Employer refer to the Employer or its designee.

1. Eligibility

To be eligible for FMLA leave, an Employee must:

- a. Have worked at Trinity Health Corporation (“Trinity Health”), a Health Ministry and/or a Subsidiary for 12 months; and
- b. Have worked at least 1,250 hours at Trinity Health, a Health Ministry and/or a Subsidiary in the 12 months immediately preceding FMLA leave prior to taking FMLA leave; and
- c. Be employed at a worksite where 50 or more Employees are employed by the Employer within 75 miles of that worksite.

In general, previous periods of employment with Trinity Health, the Health Ministries and Subsidiaries will be counted to meet the 12-month service requirement. However, employment periods prior to breaks in employment of seven (7) years or more are not counted unless such breaks are due to qualifying leave as defined under the FMLA and/or under The Uniformed Services Employment and Reemployment Rights Act (“USERRA”). Employees who return to work from Service in the Uniformed Services within the time during which they have a right to reinstatement of employment and protected benefits under USERRA are credited for the time that they are on a leave of absence to perform Service in the Uniformed Service for purposes of meeting the 1,250 hours of service. Please see Trinity Health Human Resources Ministry-Wide Policy No. 1026 (Military Service Leave) for additional information regarding leave of absence to perform Service in the Uniformed Services.

2. Confidentiality

A request for leave by an Employee who has requested confidentiality as to the need for leave under this Policy is to be respected, kept confidential, and restricted to those with a business need to know. In other cases, confidentiality regarding an Employee’s request for a leave under this Policy is to be observed by all managers and supervisors insofar as possible. In cases where Employees have communicated to co-workers their need for a leave, there should be no expectation of confidentiality.

3. Reasons for FMLA Leave

Eligible Employees can take FMLA leave:

- For the birth of and to care for a newborn child;
- For the placement of a child with them for adoption or foster care;
- To care for their spouse, child, or parent who has a serious health condition; or
- Due to their own serious health condition which prevents them from performing their job duties.

Employees can take FMLA leave in accordance with the above for their biological children, adopted children, foster children, stepchildren, legal wards, or children for whom they have day-to-day responsibilities to care for or financially support. Children must be under age 18 unless they are incapable of self-care because of a physical or mental disability (as defined under the federal Americans with Disabilities Act) at the time that FMLA leave begins.

Employees can take FMLA leave in accordance with the above for their biological, adoptive, step or foster parents, or for any person who had day-to-day responsibilities or provided financial support for them as children. Employees cannot take FMLA leave for parents-in-law.

An Employee can take FMLA leave in accordance with the above to care for Employee's spouse with a serious health condition. "Spouse" means a husband or wife. For purposes of this definition, "husband or wife" refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

- a. Was entered into in a State that recognizes such marriages; or
- b. If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

A "serious health condition" is a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. "Serious health conditions" for purposes of FMLA leave do not include short-term illnesses such as the common cold, flu, ear infections, upset stomach, minor ulcers, and headaches (other than migraines). Restorative dental or plastic surgery after injuries or removal of cancerous growths, mental illnesses, or allergies can be considered serious health conditions under certain circumstances.

4. Amount of FMLA Leave

Eligible Employees can take up to 12 weeks of FMLA leave in a 12-month period. The Employer designates the 12-month period as a "rolling" 12-month period measured backward from the date an Employee takes FMLA leave for any reason other than care of a servicemember.

If two spouses work for Trinity Health or the same or a different Health Ministry and/or Subsidiary, they are limited to a combined total of 12 weeks of FMLA leave because of the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition. Spouses are eligible to take remaining FMLA leave for which each is eligible for other FMLA-qualifying reasons.

5. Requesting FMLA Leave

To request an FMLA leave of absence, an Employee should contact the Employee's manager or supervisor and/or the FMLA leave administrator. When an Employee seeks leave due to a FMLA-qualifying reason, for which the Employer has previously provided FMLA-protected leave, the Employee must specifically reference the qualifying reason for leave or the need for FMLA leave. The Employer will request additional information from the Employee if it is necessary to have more information about whether FMLA leave is being sought by the Employee and to obtain the necessary details of the leave to be taken.

Employee Notice Requirements

An Employee who requests FMLA leave must give at least 30 days' advance notice to the Employee's manager or supervisor and/or the FMLA leave administrator and follow the established department protocol for requesting time off. If an Employee fails to provide such notice, the Employee can be required to explain why such notice was not provided. An Employee who cannot provide at least 30 days' advance notice of the Employee's need for leave because of a change in circumstances or a medical emergency, must notify the Employee's manager or supervisor and/or the FMLA leave administrator of the need for leave as soon as practicable. Failure to provide appropriate notice may result in a delay or denial of FMLA leave.

Employer Notice Requirements

After an Employee submits a request for leave, the Employer will provide the following notices within five (5) business days of the request:

- "FMLA Eligibility Notice" that states whether the Employee is eligible for FMLA leave. An Employee may not receive additional FMLA Eligibility Notices for subsequent FMLA leaves during a 12-month leave period if the Employee's eligibility status remains unchanged.
- "FMLA Rights and Responsibilities Notice" that describes an Employee's rights and responsibilities under the FMLA and the consequences to the Employee if the Employee fails to comply with any such responsibilities.
- "FMLA Leave Designation Notice" that describes whether leave is designated and counted as FMLA leave. An Employee will receive one FMLA Leave Designation Notice for each FMLA-qualifying reason per 12-month leave period.

If an Employee is eligible for FMLA leave, the Employer will provide the Employee a Certification of Health Care Provider form (generally referred to as a "medical certification") within five (5) business days after the leave request is received by the Employer, to be completed by the Employee or the Employee's family member or health care provider, as appropriate. If the Employee does not provide advance notice of the need for leave, the Employee will receive a medical certification within five (5) business days after the later of

the date the leave begins and when the Employer is made aware the Employee has begun leave. An Employee will also receive with the medical certification notice of the anticipated consequences for failing to provide an adequate medical certification.

6. Medical Certification

If FMLA leave is taken or will be taken because of an Employee's or an Employee's family member's serious health condition, the Employee must provide medical certification from a health care provider regarding the serious health condition. An Employee must submit a completed medical certification to the Employer within 15 calendar days from the date the medical certification is provided to the Employee, unless it is not practicable under the particular circumstances to do so despite the Employee's diligent, good faith efforts, or unless the Employer provides more than 15 calendar days to do so.

An Employee's failure to provide the completed medical certification within the 15-day period noted above may result in the delay or denial of the leave, in whole or in part, and/or delay or denial of any pay pursuant to any Employer policy under which the Employee might be eligible for pay during the FMLA leave. It could also result in the Employee's absence being unexcused. Should this occur, the Employee may be subject to disciplinary action, up to and including termination of employment. Attendance issues will be managed in accordance with the applicable attendance policy. If an Employee needs an extension of time to submit the medical certification, it is the Employee's responsibility to contact the Employer prior to the expiration of the 15-day period and obtain an extension of time. An extension may be given if there are extenuating circumstances.

Submitting a medical certification that is incomplete or insufficient constitutes a failure to submit a medical certification. If an Employee provides the Employer with an incomplete or insufficient medical certification, the Employee will be advised in writing of what additional information is necessary to make the medical certification complete and sufficient. The Employee must provide a revised, complete and sufficient medical certification to the Employer within seven (7) calendar days of receiving the written notice of the additional information necessary for the medical certification to be complete and sufficient. The Employer can contact the Employee's or family member's, as applicable, health care provider for clarification or authentication of a medical certification after the Employee has the opportunity to revise an insufficient or incomplete medical certification. However, an Employee's direct manager or supervisor does not contact a health care provider for such information. Instead, an authorized person (i.e., a representative from one of the following departments: Human Resources, Leave of Absence or Employee Health), may contact the health care provider listed in the medical certification provided by the Employee for purposes of clarification or authentication only and as permitted by state or federal law.

If any specified deficiencies are not cured in a resubmitted medical certification, the Employer may delay or deny the taking of FMLA leave. If an Employee never produces a complete and sufficient medical certification, the leave may not be considered FMLA leave. Further, submission by an Employee of a fraudulent medical certification can result in disciplinary action up to and including termination of employment.

The Employer can require an Employee to obtain a second medical certification from a health care provider that is selected and paid for by the Employer. If the Employer receives a medical certification from the second health care provider that is different from the medical certification provided by the Employee's or family member's health care provider, as applicable, the Employer can require the Employee to obtain a third medical certification from a third health care provider. The Employer and Employee will discuss and agree upon the selection of the third health care provider, and the Employer will pay for the third health care provider. The third health care provider's medical certification is considered to be the final medical certification. The Employer will provide an Employee with copies of second and third medical certifications, if requested, within five (5) business days of receipt of the request or as soon thereafter as administratively practicable.

If FMLA leave is requested for an Employee's or an Employee's family member's serious health condition that is of an indefinite duration, the Employee may be required to provide the Employer with a new medical certification (also referred to as "recertification") every six (6) months. When FMLA leave is approved for a specified duration, the Employer may require recertification in accordance with FMLA regulations.

In addition to providing one or more medical certifications described above in support of an FMLA leave for an Employee's or Employee's family member's serious health condition, to receive disability benefits, if applicable, during an FMLA leave, an Employee will need to provide all medical and other information required by the administrator and/or insurer of the disability plan, policy, program or arrangement. An Employee would only need to provide such information to receive disability benefits and an Employee's right to take unpaid FMLA leave is unaffected if the Employee fails to provide such information for such benefits.

7. FMLA Leave Determination

The Employer determines if an Employee's reason for a requested leave qualifies for FMLA leave based only on information received from the Employee and the Employee's authorized representative, such as the Employee's spouse or health care provider. The first time an Employee requests leave for a FMLA-qualifying reason, the Employee is not required to specifically mention the FMLA. However, the Employee is required to provide enough information for the Employer to know that the leave may be covered by the FMLA.

If a request for FMLA leave is approved, an Employee will be notified of the number of hours, days, or weeks that will be counted against the Employee's 12 weeks of FMLA leave. If such information is known at the time FMLA leave is approved and designated, the Employee will be notified in the FMLA Leave Designation Notice. If it is not possible for the Employer to provide such information in the FMLA Leave Designation Notice, the Employee will receive such information upon request once in a 30-day period when leave is taken during that time. If an Employee receives oral notice from the Employer of such information, the Employee will receive written confirmation no later than the following payday unless the payday is less than one (1) week from the oral notice in which case written confirmation will be provided no later

than the subsequent payday. Such written notice may be in any form, including a notation on the Employee's pay stub.

8. Scheduling FMLA Leave

FMLA leave can be taken all at once (block) or, under certain circumstances, on an intermittent or reduced leave schedule. "Intermittent leave" is leave taken in separate blocks of time for a single FMLA-qualifying reason. An FMLA "reduced leave schedule" is a work schedule that reduces an Employee's usual number of working hours per workday or workweek.

Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments as is practicable to minimize work disruptions. The Employer can transfer such Employees temporarily to positions that permit them to take intermittent leaves or reduced leave schedules with limited work interruptions. Intermittent or reduced leave schedule is not available for care of a healthy newborn child.

Employees who take intermittent leave or a reduced leave schedule and are unable to work required overtime because of a FMLA-qualifying reason can have the hours that they would have been required to work counted against their 12 weeks of FMLA leave. Voluntary overtime hours that Employees do not work due to serious health conditions are not counted against Employees' 12 weeks of FMLA leave.

9. Requirements During FMLA Leave

During FMLA leave, an Employee must keep the Employee's supervisor or manager, Human Resources, and/or the leave administrator informed of the estimated duration of leave and the Employee's intended date to return from leave. In addition, during FMLA leave, an Employee must abide by the Employer's policies on outside or supplemental employment. For example, an Employee who is on an approved FMLA leave of absence may not engage in self-employment or perform work for any other employer during that leave, except when the leave is for military or public service or the Employee's outside employment does not contradict the stated reason for leave.

When utilizing approved intermittent FMLA leave time, an Employee must specify at the time of usage that the request is for a FMLA qualifying condition. If an Employee has been approved for multiple intermittent FMLA-qualifying conditions, the Employee must specify which qualifying condition applies to a particular FMLA leave usage and the Employer can inquire further to determine whether the specified qualifying condition supports the leave.

If an Employee needs to take more or less FMLA leave than originally anticipated, the Employee must provide the Employee's supervisor or manager, Human Resources, and/or the leave administrator reasonable notice of the changed circumstances where foreseeable. Failure to provide such notice may result in the delay or denial of FMLA leave.

An Employee who misuses FMLA leave, uses FMLA leave for unintended purposes, or who engages in fraudulent documentation to use FMLA leave will be subject to disciplinary action up to and including termination.

10. Pay During FMLA Leave

FMLA leave is an unpaid leave. However, Employees are required to use available paid time off while on FMLA leave in accordance with the following chart:

Type of Pay Continuation (Non-Workers' Compensation FMLA Leave)	Type of FMLA Leave		
	New Child Care Leave	Leave for Parent, Spouse or Child	Employee's Own Medical Leave
(1) Sick bank pay from current or prior (grandfathered) plans- if applicable	No	No	Yes
(2) Short Term Disability ("STD") or Salary Continuation	No	No	Yes
(3) Paid Time Off ("PTO")	Yes	Yes	Yes

Eligible FMLA leave hours are utilized and exhausted concurrent with any paid or unpaid leave time in accordance with any state or local leave laws.

Employees must use any available accrued PTO for incidental sick days. In addition, Employees eligible for STD benefits from the Employer must use all but 40 hours of their PTO, if any, to satisfy the waiting period (also known as the "elimination period") before the commencement of their disability benefit payments. An Employee may elect to use PTO hours to supplement the STD benefits the Employee receives under the Employer's STD plan. However, the PTO hours used to supplement the STD benefits must result in the Employee receiving 100% of the Employee's base weekly wage unless that amount of PTO hours is not available. If the Employee does not have enough PTO hours available to supplement the Employee's STD so that the Employee receives 100% of the Employee's base weekly wage, the Employee must use all of the Employee's available PTO hours to supplement STD benefits or cannot use any of the Employee's available PTO hours to supplement STD benefits. In no event may the combination of STD and PTO exceed 100% of the Employee's base weekly wage based on the Employee's FTE status and regular base hourly rate of pay. The STD plan documents set forth the provisions regarding STD benefits and govern in the event of any conflict between this Policy and the STD plan documents.

An Employee may not elect to use PTO hours to supplement long-term disability benefits.

11. Coordination of PTO with FMLA Leaves of Absence

All available PTO hours must be used as income replacement during an intermittent FMLA leave of absence. An Employee on an approved, non-intermittent FMLA leave of absence (also known as a continuous FMLA leave of absence) must use all but 40 hours of PTO. In other words, an Employee on an approved, non-intermittent or continuous FMLA leave of absence may elect to retain up to 40 hours in the Employee's PTO bank.¹ Please see Trinity Health Human Resources Ministry-Wide Policy No. 1019 (Paid Time Off (PTO) – Program A) or Trinity Health Human Resources Ministry-Wide Policy No. 1020 (Paid Time Off (PTO) – Programs B and C, System Office Directors, and System Office Vice Presidents) as applicable, for additional information regarding the use of PTO.

PTO accrual, if any, during leave will be pursuant to Trinity Health Human Resources Ministry-Wide Policy No. 1019 (Paid Time Off (PTO) – Program A) or Trinity Health Human Resources Ministry-Wide Policy No. 1020 (Paid Time Off (PTO) – Programs B and C, System Office Directors, and System Office Vice Presidents), as applicable.

If the Employer has not adopted Trinity Health Human Resources Ministry-Wide Policy No. 1019 (Paid Time Off (PTO) – Program A) or Trinity Health Human Resources Ministry-Wide Policy No. 1020 (Paid Time Off (PTO) – Programs B and C, System Office Directors, and System Office Vice Presidents) as applicable, please see the Employer's applicable PTO policy to determine how PTO coordinates with and accrues during leaves of absence.

12. Coordination of Holiday Benefit with FMLA Leaves of Absence

When a recognized holiday occurs while an Employee is using PTO during a leave of absence due to vacation, during the elimination period for STD benefits for a self-health condition, for a self-health condition where no STD benefits are payable, due to a family member's health condition, for baby bonding or elective leave, the Employee will receive a holiday benefit instead of using PTO hours for that day. However, if the Employee is less than a 1.0 FTE, the Employee may elect to supplement the holiday benefit received with PTO.

If a recognized holiday occurs while an Employee is on a leave of absence due to a self-health condition and is receiving STD benefits (even if the Employee is supplementing the STD benefits with PTO), salary continuation, long-term disability benefits, state paid disability benefits, state paid family leave benefits (self-health or family-health condition) or workers' compensation, the Employee will not receive a holiday benefit. In addition, no holiday benefit is paid to an Employee during any unpaid leave of absence (e.g., during an FMLA leave when an Employee is not using PTO or receiving STD or salary continuation benefits from Trinity Health or a Health Ministry or Subsidiary).

If the Employer has not adopted Trinity Health Human Resources Ministry-Wide Policy No. 1016 (Holiday Benefit), please see the Employer's applicable holiday benefit policy to determine how holiday benefits coordinate with and accrue during leaves of absence.

¹ Unless otherwise required by law or a collective bargaining agreement.

13. Coordination of Pay Increase with FMLA Leaves of Absence

An Employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed will be granted in accordance with the Employer's policy or practice with respect to other Employees on an equivalent leave status for a reason that does not qualify as FMLA leave. An Employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential, upon return from an FMLA leave. If a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the Employee has not met the goal due to FMLA leave, then the payment may be granted, unless otherwise not paid to Employees on an equivalent leave status for a reason that does not qualify as FMLA leave.

14. Coordination of Benefits with FMLA Leaves of Absence

The Employer maintains health and welfare benefits that are entirely paid for by the Employer during an Employee's FMLA leave of absence, subject to any limitations in an applicable insurance policy (e.g., a limitation on the length of time an Employee who is not actively at work may be covered). In addition, subject to the terms of the applicable plan documents and any applicable state or local leave laws, the Employer maintains health and welfare benefits that are paid for, in whole or in part, by Employees (e.g., medical, dental, vision and supplemental life insurance benefits) during an Employee's FMLA leave of absence without the Employee paying the Employee premium contributions during any period that the Employee is not receiving any pay from the Employer while on the FMLA leave, subject to the Employee's obligation and agreement to reimburse the Employer for all unpaid health and welfare benefit plan premium contributions when the Employee: (i) returns to work with the Employer following the FMLA leave period; or (ii) fails to return to work following the FMLA leave period and thereby terminates the Employee's employment with the Employer.

Employees who do not return to work from FMLA leave can continue their group health plan coverage under COBRA to the extent required by COBRA and the applicable plan documents. Employees should review the applicable plan documents and contact the applicable leave administrator with any questions regarding the continuation of health and welfare benefit plan coverage during and after the 12-week FMLA leave period has ended

If the Employer provides a new health or welfare benefit or changes its health and welfare benefits while an Employee is on leave, the Employee is entitled to the new or changed benefit(s) to the same extent as if the Employee were not on leave, subject to the terms of the applicable plan documents and the Employee's compliance with applicable contribution and enrollment requirements. This also means that if premiums are raised or lowered, the Employee will be required to pay the new premium rates.

15. Coordination of Plan Loans and Garnishments with FMLA Leaves of Absence

Employees with outstanding loans under a Trinity Health or another Employer's Internal Revenue Code Section 403(b) or 401(k) plan must make arrangements to pay any loan

repayments that become due during an unpaid FMLA leave. Employees who fail to do so risk defaulting on their plan loan. Employees should contact the retirement plan administrator regarding plan loans, how to repay a plan loan during an unpaid leave of absence and the consequences of defaulting on a plan loan.

Any outstanding garnishments (child support, tax levies, etc.) will not be paid to the creditor while an Employee is on unpaid FMLA leave. If the garnishment has not expired during the unpaid FMLA leave period, it will resume upon the Employee's return to work.

16. Return From FMLA Leave

Except as set forth below, Employees who return from FMLA eligible leave prior to the exhaustion of the FMLA period will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. If Employees are no longer qualified for their former positions because of their inability to attend certain work-related functions or classes as a result of leave, the Employer will provide a reasonable opportunity (up to four (4) weeks) to fulfill those conditions upon their release to return to work and will be placed on a "Provisional" leave for a maximum of four (4) weeks to fulfill those conditions. Additionally, Employees whose prior positions are no longer available upon their release to return to work will be provided a reasonable opportunity (up to four (4) weeks) to conduct an internal job search and will be placed on a Provisional leave for a maximum of four (4) weeks to conduct an internal job search.

Subject to the terms of the applicable health and welfare benefit plan and policy documents and any applicable state or local leave laws, the Employer maintains an Employee's health and welfare plan benefits, including health and welfare benefits that are paid for, in whole or in part, by Employees (e.g., medical, dental, vision and supplemental life insurance benefits), for Employees who continue to pay the Employee premium for such benefits during the Employee's Provisional leave without the Employee paying the Employee premium contributions during any period that the Employee is not receiving any pay from the Employer during the leave, subject to the Employee's obligation and agreement to reimburse the Employer for all unpaid health and welfare benefit plan premium contributions when the Employee: (i) returns to work with the Employer following the leave period; or (ii) fails to return to work following the leave period and thereby terminates the Employee's employment with the Employer. However, an Employee must use any remaining PTO in the Employee's PTO bank during a Provisional leave and cannot retain any such PTO for future use. Please refer to Trinity Health Human Resources Ministry-Wide Policy No. 1027 (Elective Leave of Absence (Non-FMLA)) for additional information regarding Provisional leave.

Employees who are medically unable to return to work upon exhaustion of FMLA leave or are unable to perform an essential function(s) of their prior position with or without reasonable accommodation(s) will be evaluated for extended leave as an accommodation in compliance with Americans with Disabilities Act Amendments Act (ADAAA).

Certain "key" Employees, as defined by FMLA, who are among the highest paid Employees at the Employer, might not be reinstated to any position following FMLA leave. "Key"

Employees will be notified of their status in writing when they apply for FMLA leave and will receive notice at that time of the potential consequences with respect to reinstatement and maintenance of health benefits if they are not reinstated. The Employer will notify “key” Employees in writing of the reasons for denying reinstatement when such decision is made. The Employer will make a final determination whether to reinstate “key” Employees if they request job restoration; such Employees will be notified in writing of the Employer’s final determination.

If an Employee’s original worksite closes during the Employee’s FMLA leave, the Employee will have same rights as Employees who did not take FMLA leave.

With the exception of intermittent or a reduced leave schedule FMLA leave, an Employee who wishes to return to work at the conclusion of an FMLA leave due to the Employee’s own serious health condition must first provide to the Employer’s Leave Administrator a “Fitness-for-Duty Certification” form (also called a “Return to Work Release” form), which must be completed by the Employee’s healthcare provider, at least three (3) days before the anticipated return to work date. Restoration to employment may be denied or delayed until the Employee submits a sufficient Return to Work Release form. In the event the Return to Work Release form contains restrictions or light duty recommendations, consideration regarding return to work will be assessed on a case-by-case basis in coordination with the appropriate Employer department and Human Resources and in compliance with the ADAAA.

The Employer allows make-up work for certain types of leave, including FMLA leave.

- Make-up time is only permitted so an Employee may receive compensation for lost wages during the leave. The time taken for FMLA leave will still count toward the Employee’s FMLA allotment, regardless of whether the Employee works any make-up time.
- Working make-up time is voluntary and will be made available or approved based upon business needs.

The Employer does not allow make-up work for other types of leave.

An Employee may be considered to have voluntarily resigned from the Employee’s position with the Employer if the Employee:

- a. Fails to return to work after the expiration of any approved FMLA leave; or
- b. Fails to return to work after being released to work by the Employee’s health care provider; or
- c. Fails to notify the Employer in a reasonable timeframe that the Employee has been released to return to work by health care provider.

17. Protection for Employees Who Request Leave or Otherwise Assert FMLA Rights

The FMLA prohibits interference with an Employee's rights under the law, and with legal proceedings or inquiries relating to an Employee's rights, including:

- a. The Employer is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA.
- b. The Employer is prohibited from discharging or in any other way discriminating against any person (whether or not an Employee) for opposing or complaining about any unlawful practice under the FMLA.
- c. All persons (whether or not employers) are prohibited from discharging or in any other way discriminating against any person (whether or not an Employee) because that person has:
 - i. Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA;
 - ii. Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA; or
 - iii. Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA.

SCOPE/APPLICABILITY

This Policy is intended to be a policy that applies to all Employees of Trinity Health and the Health Ministries and the Subsidiaries that have adopted this Policy as set forth in Appendix A hereto, subject to any modifications necessary to comply with applicable state and local laws and regulations, as set forth in Appendix B hereto, collective bargaining agreements, written employment agreements, accreditation requirements or otherwise and that are approved by the Trinity Health EVP, Chief Human Resources Officer or an appropriate designee, in consultation with the Trinity Health Legal Department as necessary. For purposes of this Policy, the Trinity Health Vice President, Total Rewards Benefits & Well-Being is an authorized designee to approve such modifications.

This Policy replaces and supersedes existing Policies or Procedures of the Employer regarding any Family and Medical Leave Act (FMLA) leave benefit.

PROCEDURES

The Trinity Health Human Resources Department is responsible for establishing, implementing and enforcing Procedures, Standards or Guidelines to be followed by Trinity Health and its Health Ministries in the implementation and application of this Policy.

DEFINITIONS

Employee means an employee of Trinity Health or one of its Health Ministries or Subsidiaries, whether that individual's status is permanent or temporary, contingent, part- or full-time. Trinity Health often uses the term "colleague" to refer to its Employees. In HR policies, "Employee" is used instead of "colleague" to be clear that HR policies apply to individuals in an employment relationship with Trinity Health or one of its Health Ministries or Subsidiaries. The form of the Policy does not change an Employee's Primary Employer, defined as the payroll company of record, and does not create a joint employment relationship with any entity.

Employer means Trinity Health and each of its Health Ministries and Subsidiaries that have adopted this Policy as set forth in Appendix A. If the effective date of this Policy for an Employer is different than the effective date of this Policy, the effective date for the Employer will be listed in Appendix A.

Executive Leadership Team ("ELT") means the group that is composed of the highest level of management at Trinity Health.

Health Ministry (sometimes referred to as Ministry) means a first tier (direct) subsidiary, affiliate, or operating division of Trinity Health that maintains a governing body that has day-to-day management oversight of a designated portion of Trinity Health System operations. A Health Ministry may be based on a geographic market or dedication to a service line or business. Health Ministries include Mission Health Ministries, National Health Ministries, and Regional Health Ministries.

Policy means a statement of high-level direction on matters of importance to Trinity Health, its Health Ministries and Subsidiaries or a statement that further interprets Trinity Health's, its Health Ministries' and Subsidiaries' governing documents. Policies may be either stand alone, Systemwide or Mirror Policies designated by the approving body.

Primary Employer means the entity for which the Employee provides more than 50% of services and is the payroll company of record.

Procedure means a document designed to implement a Policy or a description of specific required actions or processes.

Service in the Uniformed Services means the performance, on a voluntary or involuntary non-career basis, of:

- Active duty in a Uniformed Service;
- Active duty in a Uniformed Service for training;
- Initial active duty in a Uniformed Service for training;
- Inactive duty in a Uniformed Service training;

- Full-time National Guard duty;
- Absence from work for the purpose of an examination to determine a person's fitness for any of the above types of duty;
- Funeral honors duty as authorized by federal law; and
- A period for which an Employee who is a member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Standards or Guidelines mean additional guidance which assists an Employee in understanding the Employer's rule, policies and/or procedures, including those developed by accreditation or professional organizations.

Subsidiary means a legal entity in which a Trinity Health Ministry is the sole corporate member or sole shareholder.

Uniformed Services means the Armed Forces (i.e., Army, Navy, Air Force, Marines and Coast Guard), the Reserves for each of the Armed Forces, the Army and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty including pursuant to a "governor call-up" or state orders, the Public Health Service Commissioned Corps, service performed as an intermittent disaster-response appointee upon activation of the National Disaster Medical System, any other category of persons designated by the President in time of war or national emergency, and any other protected military service for purposes of applicable state law.

RESPONSIBLE DEPARTMENT

Further guidance concerning this Policy may be obtained from the Trinity Health Human Resources Department.

RELATED POLICIES, PROCEDURES AND OTHER MATERIALS

List and hyperlink:

- Trinity Health Human Resources Ministry-Wide Policy No. 1016 (Holiday Benefit)
- Trinity Health Human Resources Ministry-Wide Policy No. 1019 (Paid Time Off (PTO) – Program A)
- Trinity Health Human Resources Ministry-Wide Procedure No. 1019 (Paid Time Off (PTO) – Program A)

- Trinity Health Human Resources Ministry-Wide Policy No. 1020 (Paid Time Off (PTO) – Programs B and C, System Office Directors, and System Office Vice Presidents)
- Trinity Health Human Resources Ministry-Wide Procedure No. 1020 (Paid Time Off (PTO) – Programs B and C, System Office Directors, and System Office Vice Presidents)
- Trinity Health Human Resources Ministry-Wide Policy No. 1025 (FMLA for Qualifying Military Exigency and Care for Covered Servicemember Leave)
- Trinity Health Human Resources Ministry-Wide Policy No. 1026 (Military Service Leave)
- Trinity Health Human Resources Ministry-Wide Procedure No. 1026 (Military Service Leave)
- Trinity Health Human Resources Ministry-Wide Policy No. 1027 (Elective and Other Leaves of Absence (Non-FMLA and Non-Military))

APPROVALS

Initial Approval: August 18, 2022

Subsequent Review/Revision(s):

Initial Approval as Mirror Policy No. 9: January 14, 2020, effective January 1, 2020

Subsequent Review/Revision(s) to Mirror Policy No. 9: None

APPENDIX A EMPLOYERS

State	Health Ministry or Subsidiary	Effective Date
California	Saint Agnes Medical Center	9/1/22*
Connecticut	Trinity Health Of New England (Hartford, Stafford, Waterbury)	9/1/22*
Delaware	Trinity Health Mid-Atlantic (Saint Francis)	9/1/22*
Florida	Holy Cross Health	9/1/22*
Georgia	St. Mary's Health Care System	9/1/22*
Georgia	Mercy Care (St. Joseph's Health System)	9/1/22*
Idaho	Saint Alphonsus Regional Medical Center (Boise, Nampa)	9/1/22*
Illinois	Loyola Medicine (LUMC, Gottlieb, MacNeal)	9/1/22*
Indiana	Saint Joseph Health System	9/1/22*
Indiana, Utah	Sisters of the Holy Cross and Holy Cross Ministries	9/1/22*
Iowa	MercyOne Clinton Medical Center	9/1/22*
Iowa	MercyOne Dubuque Medical Center	9/1/22*
Iowa	MercyOne North Iowa Medical Center	9/1/22*
Iowa, Nebraska, South Dakota	MercyOne Siouxland Medical Center (Sioux City, Primgar, Oakland, Dunes)	9/1/22*
Iowa	MercyOne Northeast Iowa (Cedar Falls, Waterloo, Oelwein)	9/1/22*
Iowa	MercyOne Central Iowa	6/25/23
Maryland	Academy of the Holy Cross	9/1/22*
Maryland	Holy Cross Health	9/1/22*
Massachusetts	Trinity Health Of New England (Springfield / Mercy Medical Center)	9/1/22*
Michigan	Trinity Health Michigan (Trinity Health Ann Arbor, Trinity Health Livingston, Trinity Health Oakland, Trinity Health Livonia, Trinity Health Grand Rapids, Trinity Health Muskegon, Trinity Health Shelby, Chelsea Hospital, Trinity Health Medical Group, Trinity Health IHA Medical Group, Trinity Health Senior Communities, Canton medical center, Reichert medical center, Schoolcraft medical center, Lakes Village medical center, Norton Shores medical center, North Muskegon medical center, Hudsonville medical center, Ludington medical center, Rockford medical center, Byron Center medical center, Sherman Pavilion medical center, Hackley medical center, Grand Rapids medical center, Wege medical center, Caledonia medical center, East Beltline medical center, Grandville medical center, Whitehall medical center)	9/1/22*
New York	St. Joseph's Health	9/1/22*
New York	St. Peter's Health Partners	9/1/22*
Ohio	Mount Carmel Health System	9/1/22*
Ohio	Diley Ridge Medical Center	9/1/22*
Oregon	Saint Alphonsus Regional Medical Center (Baker City, Ontario)	9/1/22*
Pennsylvania	Trinity Health Mid-Atlantic (Mercy Catholic, Fitzgerald, Nazareth)	9/1/22*
Pennsylvania	Trinity Health Mid-Atlantic (St. Mary Medical Center & Rehabilitation Hospital)	9/1/22*
Pennsylvania	Pittsburgh Mercy Health	9/1/22*
Various Locations	Trinity Health Senior Communities (THSC)	9/1/22*
Various Locations	Trinity Health at Home (THAH)	9/1/22*
Various Locations	Trinity Health PACE	9/1/22*
Various Locations	Trinity Health System Office	9/1/22*

*Indicates Health Ministry or subsidiary was participating employer in plan prior to the September 1, 2022, policy revision date.

APPENDIX B
Family Medical Leave Act (FMLA) for Non-Military Leave
State/Local Law Requirements

For information regarding filing for FMLA or questions regarding an FMLA claim, please contact The Hartford or your Leave Administrator.

State	State/Local Law Requirement(s)	Links
Alabama	Not-Applicable	
Alaska	Not-Applicable	
Arizona	Not-Applicable	
Arkansas	Not-Applicable	
California	CA Family Rights Act (CFRA) - provides up to 12 weeks of job protected leave for care of covered family member, birth/adoption/foster care of child or qualifying military exigency; covered family member includes grandparents and domestic partners. CA State Disability Insurance (SDI) and Paid Family Leave (PFL) - California's Family Temporary Disability Insurance (FTDI) program provides up to eight weeks of paid family leave benefits every 12 months. Pregnancy Disability Leave (PDL) - provides up to 8 weeks of job protection for pregnancy, childbirth and related medical conditions. See state website for calculation of benefits.	https://www.dfeh.ca.gov/family-medical-pregnancy-leave/
Colorado	Colorado Family Care Act (FCA) - Provides up to 12 weeks of job protected leave and aligns with FMLA; covered family members include a domestic or civil union, grandparents and siblings. Paid Family Medical Leave Act - effective January 1, 2024; provides up to 12 weeks of job protection in an application year, with an additional 4 weeks available due pregnancy complications or childbirth complications. See state website for calculation of benefits.	https://dhr.colorado.gov/state-employees/time-off-leave/family-medical-leave-act-fmla
Connecticut	Connecticut Family and Medical Leave Act (CTFMLA) - effective January 1, 2022; expanded to include the paid provisions of the PFMLA; provides up to 16 weeks of leave during a 24-month period, and up to 26 weeks in a 12-month period for leave used to care for a service member with a serious injury or illness. Eligibility and other criteria are incorporated into the PFMLA). Paid Family and Medical Leave Act (PFMLA) - Qualifying reasons now include domestic violence; employee eligibility requirements are reduced to 3 months of service; covered family members include grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships, and "parent" includes parents-in-law and persons standing in loco parentis to an eligible employee. See state website for calculation of benefits.	https://www.ctdol.state.ct.us/wgwkstnd/fmla.htm

Delaware	Not-Applicable	
Florida	Not-Applicable	
Georgia	GA Kin Care Act - An employer that provides sick leave must allow an employee to use his or her sick leave for the care of an immediate family member.	
Hawaii	Hawaii Family Leave Law - provides up to 4 weeks of job protected leave; all employees are covered (no eligibility requirements), expands covered family member to include sibling, grandparent, stepparent, grandchild, reciprocal beneficiary, parent-in-law and grandparent-in-law.	http://labor.hawaii.gov/wsd/hawaii-family-leave/
Idaho	Not-Applicable	
Illinois	Employee Sick Leave Act - employee may use personal sick leave benefits for care of eligible family members.	
Indiana	No state family/medical leave provisions other than family military leave. Please see TH Military FMLA Policy.	
Iowa	Not-Applicable	
Kansas	Not-Applicable	
Kentucky	Not-Applicable	
Louisiana	Not-Applicable	
Maine	Maine Family and Medical Leave Act - provides up to 10 weeks of job protected leave in any two years; covers organ donation; no hours worked requirement; covered family members include siblings, domestic partners and grandparents	http://www.mainelegislature.org/legis/statutes/26/title26sec844.html
Maryland	Maryland Flexible Leave Act - allows employees to use their earned paid leave for the illness of a spouse, child or parent; Maryland Parental Leave Act - provides up to 6 weeks of job protected leave in any 12-month period for the birth/adoption/foster care a child.	http://dli.state.md.us/labor/wages/essguide.shtml#parental
Massachusetts	Massachusetts Paid Family and Medical Leave (PFML) - provides up to 12 weeks of job protected and paid leave includes siblings, domestic partners and grandparents; 3 months service required. See state website for calculation of benefits. Massachusetts Parental Leave Law - provides up to 8 weeks of job protected leave for the birth/adoption/foster care a child.	https://www.mass.gov/info-details/massachusetts-law-about-family-and-medical-leave
Michigan	Not-Applicable	
Minnesota	Minnesota Parental Leave Act - provides up to 12 weeks of job protected leave for the birth/adoption/foster care a child or related health conditions. Sick Leave Benefits; Care of Relatives Act - Absences due to the illness or injury of the employee's relatives on the same terms as the employee is permitted to use the sick leave benefits for his or her own illness or injury; includes siblings, domestic partners and grandparents.	https://www.dli.mn.gov/business/employment-practices/pregnancy-and-parental-leave-fmla

Mississippi	Not-Applicable	
Missouri	As of the date of this Appendix B, no state specific requirements identified that do not align with the Policy.	
Montana	Montana's Human Rights Act - employers must give employees a reasonable leave of absence for the temporary disabilities associated with pregnancy and childbirth; no eligibility requirements	https://leg.mt.gov/bills/mca/title_0490/chapter_0020/part_0030/section_0100/0490-0020-0030-0100.html
Nebraska	Not-Applicable	
Nevada	Nevada Kin Care - An employer that provides paid or unpaid sick leave to their employees must allow an employee to use any accrued sick leave to assist an immediate family member who has an illness, injury, medical appointment, or other authorized medical need to the same extent and under the same conditions that apply to the employee when taking leave.	
New Hampshire	Not-Applicable	
New Jersey	New Jersey Family Leave Act (NJFLA) - provides up to 12 weeks in a 24 month period of job protected leave; includes siblings, domestic partners, grandparents, parent-in-law and or any other individual related by blood; 1,000 service hours requirement; New Jersey Paid Family Leave Law (NJPFL) - employees are eligible to receive up to 12 weeks of paid disability insurance benefits when they take continuous leave under the Family Leave Act, or up to 56 days for intermittent leave. See state website for calculation of benefits. NJ Kin Care - An employer may permit an employee to use paid sick leave, vacation time, or other leave at full pay before using disability benefits.	https://www.nj.gov/oag/dcr/downloads/posters/8x11_flaposter.pdf
New Mexico	NM Caregiver Leave Act (CLA) - employees can use accrued sick leave for the care of a family member in accordance with the same terms and procedures that the employer imposes for any other use of sick leave by eligible employees.	
New York	Paid Family Leave - provides up to 12 weeks of paid and job protected leave for care of family member, bonding/adoption/fostering child and qualifying exigency arising from the active duty military service of the employee's spouse, domestic partner, child, or parent; covered family members include domestic partners and grandparents; See state website for calculation of benefits	https://paidfamilyleave.ny.gov/
North Carolina	Not-Applicable	
North Dakota	Not-Applicable	
Ohio	No state family/medical leave provisions other than military (please see TH Military FMLA Policy).	
Oklahoma	Not-Applicable	
Oregon	Oregon Family Leave Act (OFLA) - provides up to 12 weeks of job protected leave due to the employee's own or a covered family member's serious health condition, sick child leave, parental leave,	https://www.oregon.gov/boli/workers/p

	pregnancy disability leave, bereavement leave or organ donation; covered family members include same-sex registered domestic partner, parent-in-law, grandparent or grandchild or person with whom the employee was or is in an in loco parentis relationship. Family and Medical Leave Insurance Program - effective January 1, 2022; provides up to 12 weeks of paid family and medical leave insurance benefits per benefit year for leave taken in any combination of family leave, medical leave, or safe leave.	ages/oregon-family-leave.aspx
Pennsylvania	Not-Applicable	
Rhode Island	Rhode Island Parental and Family Medical Leave Act (RIPFMLA) - provides up to 13 weeks of job protected leave in two calendar years; covered family members include domestic partner, parent-in-law and employee. See also TCI (Paid Family Leave/Temporary Caregivers Insurance) and TDI (Paid Maternity Leave/Temporary Disability Insurance) for RI wage replacement programs. See state website for calculation of benefits.	https://dlt.ri.gov/tdi/
South Carolina	South Carolina Pregnancy Accommodations Act - requires employers to provide reasonable accommodations to employees and applicants for employment based on medical needs caused by pregnancy, childbirth or medical conditions related to pregnancy or childbirth	https://www.schac.sc.gov/sites/default/files/Documents/PAA%20FAQs%209.6.18%20(6).pdf
South Dakota	Not-Applicable	
Tennessee	Tennessee Pregnant Workers Fairness Act - provides up to four months of job protected leave for pregnancy, childbirth, adoption or nursing of an infant; requires employers with 15 or more employees to provide reasonable accommodations for medical needs related to pregnancy, childbirth, or other similar medical conditions.	http://www.ctas.tennessee.edu/content/tennessee-pregnant-workers-fairness-act
Texas	Texas Kin Care - sick leave policy that permits employees to use personal sick leave to care for a biological or adoptive child, must be extended to foster parents to use sick leave to care for a foster child.	
Utah	Not-Applicable	
Vermont	Vermont Parental and Family Leave Act (VPFLA) - provides up to 12 weeks of job protected leave to care for family member or pregnancy and childbirth; covered family members include parties to a civil union and parent-in-law.	https://labor.vermont.gov/sites/labor/files/doc_library/WH-14%20-2019-%20FAMILY%20LEAVE%20%281%29.pdf
Virginia	Not-Applicable	

Washington	Washington Paid Family and Medical Leave Act (WPFMLA) - provides up to 16 weeks per year of job protected and paid leave benefits for employee, covered family member, baby bonding or military exigency; see state website for calculation of benefit; 820 hours worked requirement. See state website for calculation of benefits.	https://paidleave.wa.gov/
West Virginia	Not-Applicable	
Wisconsin	Wisconsin Family Medical Leave Act (WFMLA) - provides up to 6 weeks in a 12-month period of job protected leave for the birth or placement of a child for adoption, serious health condition of a child, spouse, domestic partner, or parent, and employee's own serious health condition.	https://dwd.wisconsin.gov/er/civilrights/fmla/
Wyoming	Not-Applicable	
District of Columbia	District of Columbia Family and Medical Leave Act (DC FMLA) - provides up to 16 workweeks of unpaid family leave during any 24-month period.	https://ohr.dc.gov
Florida (Miami-Dade County)	Miami-Dade County Ord. § 11A-30(4): Aligns with FMLA; covered family members expanded to include grandparents.	http://miamidade.elaws.us/code/coord_ch11a_artv_sec11a-31