



Title: Federal and State Family and Medical Leaves of Absence	
Policy/Procedure #: 17-024	Date Posted: 9/23/2021
Initial Effective Date: 2/4/2016	Date Last Revised: 9/23/2021
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Executive Sponsor: SVP & Chief Human Resources Officer	Final Approver: President & CEO
Supersedes: 17-024	Dated: 7/28/2021

APPLICABILITY

Northern Light Health adopts the following (and any Attachment(s)) for all its Member Organizations, specifically including, but not limited to, those listed below:

Northern Light Health adopts the following (and any Attachment(s)) for its Member Organizations selected below:

- | | |
|--|--|
| <input type="checkbox"/> Beacon Health | <input type="checkbox"/> Northern Light Home Care & Hospice |
| <input type="checkbox"/> Northern Light Acadia Healthcare | <input type="checkbox"/> Northern Light Inland Hospital |
| <input type="checkbox"/> Northern Light Acadia Hospital | <input type="checkbox"/> Northern Light Laboratory |
| <input type="checkbox"/> Northern Light AR Gould Hospital | <input type="checkbox"/> Northern Light Maine Coast Hospital |
| <input type="checkbox"/> Northern Light Blue Hill Hospital | <input type="checkbox"/> Northern Light Mayo Hospital |
| <input type="checkbox"/> Northern Light CA Dean Hospital | <input type="checkbox"/> Northern Light Medical Transport |
| <input type="checkbox"/> Northern Light Continuing Care, Lakewood | <input type="checkbox"/> Northern Light Mercy Hospital |
| <input type="checkbox"/> Northern Light Eastern Maine Medical Center | <input type="checkbox"/> Northern Light Pharmacy |
| <input type="checkbox"/> Northern Light Health Foundation | <input type="checkbox"/> Northern Light Sebecook Valley Hospital |
| <input type="checkbox"/> Northern Light Health Home Office | <input type="checkbox"/> Work Health |
| | <input type="checkbox"/> Other (list): _____ |

SCOPE

This Policy applies to all employees across the Northern Light Health system.

RELATED POLICIES/PROCEDURES

- [System Policy 17-022, Non-Statutory Leaves of Absence](#)
- [System Policy 17-023, Federal and State Military Leaves of Absence](#)
- [System Policy 17-025, Affordable Care Act](#)
- [System Policy 17-111, Paid Time Off Program](#)
- [System Policy 17-116, Employee Health and Welfare Benefits](#)

DEFINITIONS

Leave of Absence: An approved absence from work while maintaining the status of employee.

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 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.

Statutory Leave: A Leave of Absence from work that is a legal entitlement for employees and has both job protection and benefit protection components.

PURPOSE

To comply with federal and state Statutory Leaves of absence relating to family and medical leaves of absence.

POLICY

Northern Light Health supports and complies with the following laws regarding family and medical leave (FML):

- Maine Family Medical Leave (Maine FML)
- Maine Leave for Victims of Violence, Assault, Sexual Assault or Stalking
- Federal Family and Medical Leave Act (FMLA)

Northern Light Health administers leaves of absence centrally through the HR Service Center under a shared service agreement with participating Northern Light Health Member Organizations. For information on non-statutory Leaves of Absence, and military Leaves of Absence under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), please refer to the Northern Light Health system HR policies on Non-Statutory Leaves of Absence and Federal and State Military Leave.

Leave of Absence under the Maine Leave to Care for Family Act (Title 26 §636) is administered locally by each Member Organization.

This Policy provides general information relating to leaves and implementation within the Northern Light Health system. Employees are advised to refer to the *Employee Rights and Responsibilities Under the Family and Medical Leave Act* and the Maine Department of Labor's *Labor Standards* postings to be found at all work sites on the HR maintained bulletin boards. While care has been used in preparing this Policy, the Policy and Procedures contained within this Policy are governed by the respective laws. In the event of a conflict between the language of this Policy and law, the laws will control.

EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS

Collective Bargaining Agreements may contain provisions that either supersede or are supplemental to the provisions of this Policy. Managers with staff covered by a Collective Bargaining Agreement should refer to the provisions of the applicable Agreement.

PROCEDURE

- 1) Maine Family Medical Leave: An employee who has worked for the last 12 months at a workplace with 15 or more employees is entitled to up to 10 weeks of leave in a backward-looking two-year period for:
 - Birth or adoption of a child or domestic partner's child;
 - Serious health condition of the employee, child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner, sibling or spouse;
 - Organ donation;
 - Death or Serious Health Condition of the employee's spouse, domestic partner, parent or child if it occurs while the spouse, domestic partner, parent or child is on active duty.

- 2) Maine Leave for Victims of Violence, Assault, Sexual Assault or Stalking: Subject to limited exceptions, employers must grant reasonable and necessary leave from work with or without pay upon request if an employee (or a child, parent or spouse of an affected employee) is a victim of violence, assault, sexual assault or stalking or any act that would support an order for protection under Title 19-A M.R.S.A., c. 101 and the employee needs the time to:
 - Prepare for and attend court proceedings; or
 - Receive medical treatment; or
 - Obtain necessary services to remedy crisis.

- 3) Federal Family and Medical Leave Act (FMLA):
 - a) Basic Leave Entitlement: FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave in a rolling, backward-looking 12-month period to eligible employees for the following reasons:
 - for incapacity due to pregnancy, prenatal medical care or childbirth;
 - to care for the employee's child after birth, or placement 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.

 - b) Military Family Leave Entitlements (refer to the HR policy on Military Leave for information on military leaves under the Uniformed Services Reemployment and Readjustment Act (USERRA)): Eligible employees whose spouse, son, daughter or parent is on, or called to, covered active duty or who are themselves on covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. These needs 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 service member during a single 12-month

period. A covered service member is: (1) 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 otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “Serious Health Condition” (refer to Definitions section of this Policy).

- c) Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.
 - d) Eligibility Requirements: Employees are eligible if they have been employed for at least 12 months, have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, and are employed at a worksite where 50 or more employees are employed by the employer within a 75 mile radius.
- 4) Benefits and Protections:
- a) During leave, employees continue their Northern Light Health employee benefits on the same terms as if they had continued to work. Should an employee not have sufficient accrued and available paid leave benefits to cover their premiums, the benefits will continue and the employee will be required to repay the benefits in accordance to the Employee Benefits Arrears procedure stated in [System Policy 17-116, Employee Health and Welfare Benefits](#).
 - b) Coordination with the Patient Protection and Affordable Care Act (ACA): In accordance with the ACA, employees continue to be eligible for medical coverage during their Leave of Absence without interruption and leave time is counted as time worked in calculating medical coverage eligibility under a Measurement Period, the time period used to determine full-time status as defined by the ACA. For more information, refer to [System Policy 17-025, Affordable Care Act](#).
 - c) Coordination with short-term disability benefits: A Leave of Absence is separate from any short-term disability benefits an employee may be able to receive. An employee who is on leave due to their own health condition may apply to receive this benefit by filing a claim with the short-term disability insurance carrier. Only employees who are enrolled in, file a claim for, and are approved for this benefit will receive it.

- d) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions at the conclusion of the leave.
- 5) Use of Leave: In most cases, an employee does not need to use their statutory leave entitlement 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 urgent needs may also be taken on an intermittent basis. A Leave of Absence for the purpose of bonding with a new biological, foster or adopted child may be taken only in one continuous period of time, and must be completed prior to one year after the birth or placement of the child. Bonding leave may not be taken on an intermittent basis without approval of the Regional Director or Vice President of Human Resources. A reduced schedule is considered to be intermittent leave.
- 6) Substitution of Paid Leave Benefits for Unpaid Leave: Employees are required to use accrued paid leave while taking leave but may elect to retain up to two regularly, scheduled budgeted weeks of their leave balance. Please refer to [System Policy 17-111, Paid Time Off Program](#), for rules regarding the use of accrued paid leave.
- 7) Application Process: Employees must provide 30 days' advance notice of the need to take leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures. Employees must provide sufficient information, typically a medical certification, for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include 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 the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide periodic recertification supporting the need for leave.

Employees are to request Leave of Absence by completing an online leave request form, which is available on the Northern Light Health HR Landing Page > Leaves of Absence > Online Leave Request Tool. Employees may also call the HR Service Center for assistance processing the request or obtaining necessary forms. In the event a medical certification is required, the employee will need to provide either a completed US Department of Labor *Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)* or *Certification of Health Care Provider for Family Member's Serious Health Condition (Family and Medical Leave Act)* as applicable. Leaves of Absence are administered system-wide by the HR Service Center and forms and correspondence should be sent to the following:

HR Service Center
Northern Light Health
43 Whiting Hill Road, Suite 200
Brewer, ME 04412

Case, using Ask HR under Resource ME, including scanned copies of forms

Email, including scanned copies of forms:

hrservicecenter@northernlight.org

Fax: (207) 973-7865

Phone: (207) 973-4000 or (855) 660-0202

Inter-office mail is to be avoided as it is neither reliable nor secure.

- 8) Approval Process: The HR Service Center will notify employees requesting leave if they are eligible for leave. If they are, a notice will be sent that specifies if any additional information is required, as well as information about the employees' rights and responsibilities. If the employee is not eligible, the HR Service Center will provide a reason for the ineligibility.

Employees will be informed if the leave will be designated as Maine FML- or FMLA-protected and the amount of leave that will be counted against the employee's leave entitlement. If it is determined that the leave is not Maine FML- or FMLA-protected, the HR Service Center will notify the employee and work with him or her, if appropriate, to apply for a non-statutory Leave of Absence. Please refer to [System Policy 17-022, Non-Statutory Leaves of Absence](#) for information about non-statutory leaves.

- 9) Coordination with Workers' Compensation: An employee who is otherwise eligible for a Maine FML or FMLA will be considered to be on leave for any days accepted by Northern Light Health as attributable to occupational injury or illness. All rights under the Workers' Compensation Act and the Maine FML and FMLA shall apply to such an employee.
- 10) Return From Leave: For medical leaves to care for self, the employee must provide written documentation to the HR Service Center from a health care provider clearing the employee for duty before returning to work. Any medical restrictions must be clearly documented by the employee's health care provider. The HR Service Center will notify the employee's regional HR office of any medical restrictions. The local or regional HR staff will work with the employee's manager to determine what accommodations may be provided. An employee who fails to meet this requirement will not be allowed to return to work under any circumstances.

Failure to return to work immediately after a Leave of Absence will be referred by the HR Service Center to the local or regional HR office for analysis and disposition.

Performing work for another employer or working for oneself during a Leave of Absence of any type from the Member Organization, without the Member Organization's knowledge and approval, is just cause for discharge except when working: in the military service of the United States; as a volunteer emergency responder consistent with the approved request for leave; providing care to an immediate family member; or by special circumstance as approved in advance by the employee's operational executive or Regional VP, HR.

11) Applying for a Continuation of Leave: Should employees be unable to return to work upon exhaustion of their Maine FML or FMLA eligibility, they may request a continuation of leave through the HR Service Center for a non-statutory Leave of Absence. Please refer to [System Policy 17-022, Non-Statutory Leaves of Absence](#) for additional information.

12) Timekeeping:

- a) Managers are to ensure appropriate paid and unpaid codes are used and hours tracked within the automated timekeeping system.
- b) An employee electing to retain up to two regularly, scheduled budgeted weeks of their accrued paid leave are to notify their manager who is responsible to work with the Payroll Department to meet the employee's request.
- c) The HR Service Center is to update an employee's relationship to the organization in the appropriate record-keeping system(s).

13) Record Keeping: The HR Service Center maintains documentation of employee leave requests and leave administration.

REFERENCES

None.

ATTACHMENTS

None.

This document was approved by the committee(s) noted below on the date(s) as noted:

Leadership Council, 1/19/2016

HR Policy Standardization Task Group, 9/18/2015

HR Leadership Team, 6/17/2021