

SAMPLE PAID FAMILY AND MEDICAL LEAVE POLICY FOR MID COUNCILS AND CONGREGATIONS WITH LESS THAN 50 EMPLOYEES WITHIN A 75 MILE RANGE

Employers with over 50 employees within a 75 mile range may be required to comply with Federal Family and Medical Leave laws.

Many states and local jurisdictions have implemented paid leave laws/regulations.

It is recommended that any policy you create be reviewed by an employment lawyer familiar with the laws in your location.

Paid Family and Medical Leave

Introduction

This Family and Medical Leave Policy, when combined with other leave options such as *<add any leave benefits particular to your mid council or congregation such as Bereavement, Emergency, available Sick Time or benefits available to those who participate in the Board of Pensions>* is intended to provide a comprehensive leave program. Together, this leave program provides paid leave for life circumstances such as the birth, foster placement, or adoption of a child, care for a family member with a serious health condition, care for your serious health condition, or healing following a loss or tragic event.

Paid Family and Medical Leave Policy

Under this policy, you are eligible for up to 12 weeks of paid leave in a calendar year *<or other definition of "year" you may use>*. You are eligible for multiple leaves during a calendar year provided you do not exceed a total of 12 weeks annually.

You may use Paid Family and Medical Leave for:

- a. The birth of a child and in order to care for that child.
- b. The adoption or placement of a child for foster care with you and to care for the child.
[NOTE: Leave for birth, adoption or foster care of a child must be taken within one (1) year of the birth or placement of the child.]
- c. To care for an immediate family member* with a serious health condition.
- d. Your own serious health condition that makes you unable to perform the functions of your position.
- e. Your own healing following a loss or tragic event when under medical care.

Serious Health Condition Definition

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 inpatient care;
- a condition that requires continuing care by a licensed health care provider (ex. surgery, physical therapy after surgery);
- illnesses of a serious and long-term nature, resulting in recurring or lengthy absences (ex. migraines, restorative surgeries); or

- a chronic or long-term health condition which, if left untreated, would result in a period of incapacity of more than three (3) days (for example: cold or flu that incapacitates you for more than 3 days and you are under care of a physician).

You must provide <your manager, personnel committee, etc.> with a note from a medical provider explaining the need for leave and length of leave.

Benefits During Leave

<name of mid council or congregation> will continue your health benefits during the leave period at the same level and under the same conditions as if you did not take leave. If you choose not to return to work for reasons other than a continued serious health condition of your own or your family member or a circumstance beyond your control, <name of mid council or congregation> may require you to reimburse <name of mid council or congregation> the amount it paid for your health insurance premium during the leave period. For any optional benefits you may receive such as dental, flexible spending account, etc., deductions will continue to be taken from your pay during any paid leave or for unpaid leave. <name of mid council or congregation> will advance your portion of the cost for these benefits. On return to work, <name of mid council or congregation> will agree with you on repayment of these advanced costs, in full, through payroll deduction.

Use of Paid Time Off During Leave

Before using Family and Medical Leave, you must use any paid sick time you have available, although you may hold back XX (xx) sick days. If you use all your sick time and you are still on Family and Medical Leave, you will continue to receive your full pay up to 12 weeks annually. <Optional statement you may include: You are not required to use any of your vacation or emergency time during your leave.>

Status After Leave

If you take leave under this policy, you will be able to return to the same position you were in when your leave started.

When you return from Family and Medical Leave under this policy, you must provide a return-to-work note from a medical provider.

**“Immediate family” generally refers to your spouse, partner, children, parent, stepparent, parent-in-law, sibling (including step and half), grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, and daughter-in-law. Your spouse is an individual to whom you are legally married in a marriage that conforms to the definition in the Book of Order of the Presbyterian Church (U.S.A.). This includes individuals in a common law marriage, a state-licensed civil union or state-licensed domestic partnership, as well as individuals in marriages validly entered into outside of the United States that conform to the Book of Order definition. Your children include biological, adopted, or foster children and legal wards and children and stepchildren for whom you provide care and financial support on a daily basis.*

This list is descriptive, not exhaustive. <name of mid council or congregation> realizes that there are many non-traditional relationships that are equally important to our employees; therefore, the definition may also apply to any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.