

Family and Medical Leave Policy

Eligibility

To qualify for FMLA leave, you must have (1) worked for Provident for at least 12 months, though it need not be consecutive; and (2) worked at least 1,250 hours in the last 12 months. If you have any questions about your eligibility for FMLA leave, please contact the CEO.

Entitlement

You may take **up to 12 weeks** of unpaid FMLA leave in a 12-month period for any of the following reasons:

- the birth of a your child and care for that child (leave to be completed within one year of the child's birth);
- the placement of a child with you for adoption or foster care and care for the child (leave to be completed within one year of the child's placement);
- the care of your spouse, child, or parent with a serious health condition;
- the care related to your own serious health condition, if you're unable to perform any of the essential functions of your position; or
- a qualifying exigency of your spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty).

Military caregiver leave is available for **up to 26 weeks** of unpaid FMLA leave in a single 12-month period. Such leave begins on the first day that you take FMLA leave to care for your spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.

For purposes of this policy, the 12-month period is defined as a fixed year and is measured from July 1-June 30th.

If you and your spouse work for Provident, there may be limitations on the combined total amount of leave you may take in a 12-month period. Additionally, if you are a teacher, there are special rules governing your leave. (See **Teachers**, below.)

If you have any questions about your entitlement for FMLA leave, limits on combined leave for spouses, or leave for teachers, please contact CEO.

Teachers

For purposes of FMLA leave, the term “teachers” includes all employees whose primary duty is instructing students. The term does not include teacher assistants or aides whose primary duty is not actual instruction. It also does not include non-instructional employees such as counselors, psychologists, curriculum specialists, cafeteria workers, and maintenance workers. If you have any questions about whether you are considered to be a teacher under this policy, please contact the CEO.

Teachers who request FMLA leave of two or more weeks duration to be taken near the end of a term (typically, about five to six weeks before the end of a term) may be required to remain off through the end of the term to avoid scheduling disruption for Provident. The additional time off will not be counted against the teacher’s allotment of FMLA leave. If you have any questions about whether you will be required to remain out through the end of a term, please contact the CEO.

School Calendar

Generally, if a holiday or other day off occurs during a week when you are on FMLA leave, you will still be charged for the entire week of leave. If, however, Provident is closed for a week or more (such as during winter break) while you are on leave, you will not be charged for the time during which Provident was closed. Employees who are scheduled to work over the summer will be charged for leave time if they take FMLA during the summer. If you have any questions about the effect of the school calendar on your leave, please contact the CEO.

Notice

If your need for FMLA leave is foreseeable, you must give Provident at least 30 days’ prior written notice. If this is not possible, you must at least give notice as soon as practicable (generally within one to two business days of learning of your need for leave). If your leave is not foreseeable, you must notify Provident within one to two business days of learning of your need for leave, except in extraordinary circumstances. Failure to provide notice may be grounds for delaying FMLA-protected leave.

Leave for medical treatment or military caregiver leave must be scheduled to best suit the needs of both you and Provident.

Family and Medical Leave Act leave request forms are available from the CEO. Please submit a written request, using this form, when requesting leave.

If you have questions about notice requirements, please contact the CEO.

Certification

Leave for your own or for a relative's serious health condition, requires medical certification. Medical Certification forms are available from the CEO. If your leave is foreseeable, you should provide certification as soon as possible after learning that you will need leave. If you cannot provide medical certification before beginning leave, such certification is due no later than 15 days after you request leave. Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until certification is provided.

If there is a conflict about your need for leave, Provident, at its expense, may require an examination by a second health care provider designated by Provident. If that healthcare provider's opinion conflicts with your certification, Provident, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. Failure to provide any requested certification within 15 days may result in a delay of leave until certification is provided.

Certification from a covered military member's healthcare provider may be required for military caregiver leave, and active duty orders may be required for military exigency leave.

Provident may require recertification if you request additional FMLA leave or if there is a change in your condition during leave.

If you have questions about certification requirements, please contact the CEO.

Reporting

If you take leave for your own serious health condition or to care for a relative, you must contact Provident, two weeks before your expected return from leave regarding the status of the condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change. If you have questions about reporting requirements, please contact the CEO.

Unpaid Leave

FMLA leave is unpaid. You will be required to substitute any accrued and unused vacation/paid time off/sick days/personal days for unpaid FMLA leave as described below:

- If you request leave because of a birth, adoption, or foster care placement of a child, any accrued and unused paid will first be substituted for unpaid family/medical leave and run concurrently with your FMLA leave.
- If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal leave/sick leave will be substituted for any unpaid family/medical leave and run concurrently with your FMLA leave.

The substitution of paid leave time for unpaid FMLA leave time does not extend the 12 or 26 weeks (whichever is applicable) of the FMLA leave period. Paid leave runs concurrently with unpaid FMLA leave. Employees receiving workers' compensation wage loss benefits or receiving short-term disability are considered to be on paid leave. Employees receiving workers' compensation wage loss benefits or receiving short-term disability are required to use paid time off (e.g., vacation days, PTO) only for their unpaid waiting period, if any. If you have questions about concurrent leave, please contact the CEO.

Medical and Other Benefits

During approved FMLA leave, Provident will maintain your health benefits. If you are using paid leave, your portion of the health plan premium will be deducted. If your leave is unpaid or if your leave is paid from another source such as workers' compensation or short-term disability, you must pay your portion of the premium. If your payment is more than 15 days late, Provident will send you a notice letter. If Provident does not receive your premium payment within 15 days after the date of the letter, your coverage may terminate. Your health care coverage will be cancelled if your premium payment is more than 30 days late. If you elect not to return to work for at least 30 calendar days at the end of the leave period, you will be required to reimburse Provident for the cost of the health benefit premiums paid by Provident during your unpaid leave. You will not be required to reimburse Provident if you cannot return to work because of a serious health condition or other circumstances beyond your control.

If you have questions about your benefits or premium payments, please contact the CEO.

Intermittent and Reduced Schedule Leave

If medically necessary, you may take intermittent or reduced schedule FMLA leave for a serious health condition. FMLA leave may also be taken intermittently or on a reduced

leave schedule for a qualifying exigency relating to covered military service. Intermittent leave involves separate blocks of time due to a serious health condition. Reduced leave schedule involves a decrease in the usual number of hours you work per workweek or workday.

If you are an exempt employee and your leave is unpaid, Provident will reduce your salary based on the amount of time actually worked in a workweek. In addition, while you are on an intermittent or reduced schedule leave, Provident may temporarily transfer you to an available alternative position that better accommodates your leave schedule and has equivalent pay and benefits.

Instructional employees who need foreseeable intermittent or reduced schedule leave for planned medical treatment may be required to take leave for periods of a particular duration, or transfer temporarily to an available alternative position that has equivalent pay and benefits and better accommodates intermittent or reduced schedule leave.

If you have questions about intermittent or reduced schedule leave, please contact the CEO.

Return

If you take leave because of your own serious health condition (except if you are taking intermittent leave), you are required, as are all employees returning from other types of medical leave, to provide medical certification that you are fit to resume work. You will not be permitted to resume work until medical certification is provided.

If you have questions about medical certification related to return from leave, please contact the CEO.

ACKNOWLEDGMENT

I, _____ (employee name), acknowledge that on

_____ (date), I received a copy of Provident's FAMILY AND MEDICAL LEAVE POLICY and that I read it, understood it, and agree to comply with it. I understand that neither this policy nor any other communication from Provident is intended to create a contract of employment. I understand that, unless I have a written employment agreement signed by an authorized Provident representative, **I am employed at will and this policy does not modify my at-will employment status.** If I have a written employment agreement signed by an authorized Provident representative and this policy conflicts with the terms of my employment agreement, I understand that the terms of my employment agreement will control.

Employee's Signature

Employee's Printed Name

Date

(Revised 9/10/18)