



POLICY: Non-FMLA Medical and Personal Leave of Absence

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PURPOSE: To provide policy guidance for non-FMLA medical and personal leaves of absences for Sun Health (SH) team members.

1. Policy	Page 1
2. Non-FMLA Medical Leave of Absence (MLOA)	Page 1-3
a. Requesting a Non-FMLA Medical Leave	
b. Certifications for Non-FMLA Medical Leave	
c. Pay Status While on Non-FMLA Medical Leave	
d. Job Restoration from Non-FMLA Medical Leave	
e. Notice Requirements for Returning from Non-FMLA Medical Leave	
3. Personal Leave of Absence	Page 4-5
a. Requesting a Personal Leave of Absence	
b. Documentation for a Personal Leave of Absence	
c. Pay Status While on Personal Leave	
d. Job Restoration from Personal Leave	
e. Notice Requirements for Returning from Personal Leave	
4. Team Member Benefits While on Leave.....	Page 5
5. Coordination with Other Policies	Page 5-6
6. RELATED RESOURCES.....	Page 6

Section 1: Policy

The policy of Sun Health is to consider a team member's request for a non-FMLA medical or personal leave of absence (where the leave does not qualify for protection under the Family Medical Leave Act (FMLA)) in accordance with guidelines set forth below. This policy generally provides up to twelve (12) weeks of personal leave and six (6) weeks of non-FMLA medical leave in any "rolling" 12-month period unless otherwise required by law, including the Americans with Disabilities Act Amendments Act (ADAAA). All leaves (except military leave provided under USERRA) of absence are concurrent and count towards the twelve (12) weeks.

Section 2: Non-FMLA Medical Leave of Absence (MLOA)

Leave within First Year of Employment

A team member with a serious medical condition as defined under the FMLA, who is in his or her first year of employment, may request a leave of absence for a self-qualifying medical event. This leave will be considered for team members that need to be out of work for five (5) consecutive days. Team members may take leave up to six (6) weeks within their first 12 months of service at SH. Intermittent leave under Non-FMLA MLOA is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADAAA. Requests for disability related accommodations should be made to the Human Resources Department.

POLICY: Non-FMLA Medical and Personal Leave of Absence

Leave after First Twelve Months of Employment

A team member with a serious medical condition as defined under the FMLA who does not meet the FMLA eligibility requirements or has exhausted leave available under the FMLA may request a leave of absence for a self-qualifying medical event and may take up to six (6) weeks after the first twelve months of employment. Intermittent leave under non-FMLA MLOA is not permitted unless such leave has been approved as a reasonable disability related accommodation pursuant to the ADAAA. Requests for disability related accommodations should be made to the Human Resources Department.

a. Requesting a Non-FMLA Medical Leave

The team member is expected to provide at least 30 days' notice when requesting leave. When a team member becomes aware of a need for leave less than 30 days in advance, the team member must provide a completed Leave of Absence Request Form either the same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable may be denied.

b. Certifications for Non-FMLA Medical Leave

SH will require certification of the team member's serious health condition submitted to Human Resources. The team member must respond to the request for certification within 15 calendar days of the notice of eligibility, or as soon as reasonably practicable. Failure to comply with the above-mentioned requirements may result in denial of leave or reinstatement from leave, in which case the team member's leave of absence would be unauthorized, possibly subjecting the team member to discipline up to and including employment termination.

Incomplete Certifications

If an incomplete medical certification is received, Human Resources will provide the team member with the opportunity to either have the health care provider correct the certification or provide the Authorization to Release Medical Information so that Human Resources can contact the health care provider directly. The team member will have seven (7) calendar days to resolve any deficiencies in the medical certification. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave may be denied.

c. Pay Status While on Non-FMLA Medical Leave

A team member who is taking Non-FMLA Medical Leave must use all accrued time off prior to being placed in an unpaid leave status.

Unpaid Status

Time off accruals ceases when the team member moves to an unpaid status. Accrual of time off will restart upon the team member's return to paid status.

Short-Term Disability

Following the necessary elimination period of 7 days, and assuming the medical issue does not involve a pre-existing condition, a team member enrolled in Short-Term Disability insurance may be eligible to apply for Short-Term Disability coverage. Team members should contact Human Resources to complete their application for coverage.

Long-Term Disability

If a team member's leave may extend three (3) months or longer, they may be eligible to apply for Long-Term Disability (LTD) benefits. Team members who anticipate being on medical leave longer than six (6) months should contact the Human Resources department as soon as possible for more information. If Long Term Disability benefits are granted, the

POLICY: Non-FMLA Medical and Personal Leave of Absence

team member's employment with SH may end on the commencement date of their Long-Term Disability benefits unless their extended time off has been approved as a reasonable accommodation pursuant to the ADAAA.

d. Job Restoration from Non-FMLA Medical Leave

Team members who take a non-FMLA Medical Leave do not have job protection rights unless there is a need for a reasonable accommodation pursuant to the ADAAA. However, SH may reinstate the team member to the same position or a position with equivalent status, pay, benefits and other employment terms upon the team member's return before or at the end of the agreed upon and approved leave period. If additional time is needed beyond the original request, the manager and Human Resources will review the need for additional leave. If the previous position is not available, the team member will have the opportunity to apply to any available open position at the time of their return. In the event SH will not be able to restore or transfer the team member to a different position, the team member will receive notification from Human Resources regarding the termination of their employment. See the Internal Transfers policy for more information.

e. Notice Requirements for Returning from Non-FMLA Medical Leave

Team members are expected to be able to return to work by the end of their approved leave. Prior to returning from leave for a personal health condition, the team member must secure a release from his or her healthcare provider confirming the to Return to Work Release to perform regular duties or set forth any restrictions. The Return-to-Work Release should be completed and submitted to Human Resources and the team member's manager in advance of the expected date of return reflected on the Release form to ensure a smooth transition back to work.

If the team member is released to return to work with accommodation restrictions, the department in consultation with Human Resources will determine whether the restriction can be reasonably accommodated. Medical restrictions are those that prevent the team member from performing his or her regular duties at the end of the approved leave due to a continuing medical condition.

If a team member on leave for personal medical reasons is released to return to work sooner than the expected return date listed on the Leave of Absence Request Form, the team member must notify their manager and Human Resources as soon as the team member receives the release.

Unable to Return from Non-FMLA Medical Leave

If the team member is not medically released to return to work at the end of his or her leave and the team member has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADAAA, or for other reasons.

Failure to Return from Non-FMLA Medical Leave

Any team member who fails to return to work as scheduled after leave may be considered to have voluntarily resigned his or her employment. Team members who exceed their leave without extension(s) of their approved leave under appropriate leave provisions, may be considered to have voluntarily resigned their employment. Team members who are terminated under these circumstances may be eligible for re-hire.

POLICY: Non-FMLA Medical and Personal Leave of Absence

Section 3: Personal Leave of Absence (PLOA)

A team member may request a Personal Leave of Absence (PLOA) for reasons such as educational opportunities, to care for an immediate family member ¹, to spend time with a new baby or child placed in the home within the first 12 months of service in situations not covered by the FMLA, or in the event that the team member is a witness to or victim of a crime in accordance to Arizona state law. Such leave approval or denial is at the discretion of the manager and Human Resources. Personal leaves are not granted for extended vacations, engaging in employment outside of SH, pursuing an independent business venture, or as additional leave after Non-FMLA Medical Leave has expired. Intermittent leave under a PLOA is not permitted.

a. Requesting a Personal Leave of Absence

The team member is expected to provide at least 30 days' notice when requesting leave. When a team member becomes aware of a need for leave less than 30 days in advance, the team member must provide a completed Leave of Absence Request Form either the same day, the next business day, or as soon as reasonably practicable. Leave requests that are not submitted according to policy and as soon as practicable may be denied.

b. Documentation for a Personal Leave of Absence

SH will require documentation within a specified timeframe according to the reason for the PLOA request which is to be submitted to the team member's manager and Human Resources. Failure to comply with the above-mentioned requirements may result in denial of leave or reinstatement from leave, in which case the team member's leave of absence would be unauthorized, possibly subjecting the team member to discipline up to and including employment termination.

Incomplete Documentation

If incomplete documentation is received, Human Resources will provide the team member with guidance and seven (7) calendar days to resolve the documentation deficiencies. If, after seven (7) calendar days the identified deficiencies have not been resolved, the request for leave may be denied.

c. Pay Status While on Personal Leave

A team member who is taking Personal Leave must use all accrued time off prior to being placed in an unpaid leave status.

Unpaid Status

Accrued time off ceases when the team member moves to an unpaid status. Accrued time off will restart upon the team member's return to paid status.

d. Job Restoration from Personal Leave

Team members who take a Personal Leave do not have job protection rights. However, SH will generally reinstate team members to the same position or position with equivalent status, pay, benefits and other employment terms upon the team member's return before or at the end of the agreed upon and approved leave period. If additional time is needed beyond the original request, the manager and Human Resources will review the need for additional leave. If the previous position is not available, the team member will have the opportunity to apply to any available open position at the time of their return. In the event SH will not be able to restore or transfer the team member to a different position, the team member will receive notification from Human Resources regarding the termination of their employment. See the Internal Transfers policy for more information.

POLICY: Non-FMLA Medical and Personal Leave of Absence

e. Notice Requirements for Returning from Personal Leave

Team members are expected to be able to return to work by the end of their approved leave. If a team member on leave plans to return to work sooner than the expected return date listed on the Leave of Absence Request Form, the team member must notify his or her manager and Human Resources in advance of the expected date of return to ensure a smooth transition back to work.

Unable to Return from Personal Leave

If the team member is not able to return to work at the end of their leave and the team member has not been granted any additional leave, employment ends as "unable to return from leave" effective the last day of the approved leave, unless a continuation of leave has been granted as an accommodation under the ADAAA, or for other reasons.

Failure to Return from Personal Leave

Any team member who fails to return to work as scheduled after leave may be considered to have voluntarily resigned his or her employment. Team members who exceed their leave without extension(s) of their leave approved under appropriate leave provisions, may be considered to have voluntarily resigned his or her employment. Team members who are terminated under these circumstances are eligible for re-hire.

Section 4: Team Member Benefits While on Leave

While a team member is on leave, SH will continue the applicable benefits during the leave period at the same coverage level and under the same conditions as if the team member had continued to work if the team member pays their portion of the benefit premiums.

While on paid leave, the employer will continue to make payroll deductions to collect the team member's share of the benefit premium. Any deductions missed while on leave that are not paid through direct bill will be deducted from the team member's check when he or she returns from leave.

While on unpaid leave, the team member must continue to make this payment by mail or in person to Human Resources. The payment must be received by the first day of every month. A 10-day grace period applies, however if full payment is not postmarked within the 10-day grace period, the team member's benefits may be terminated.

If the team member chooses not to return to work for reasons other than their own or family member's continued serious health condition, or a circumstance beyond the team member's control, SH may require reimbursement for the amount contributed for the health insurance premiums during the leave period.

If the team member contributes to a life insurance or disability plan, SH will continue making payroll deductions while the team member is on paid leave. If on unpaid leave, the team member may request continuation of such benefits and pay their portion of the premiums. SH may discontinue coverage during the leave if the team member does not continue these payments.

Section 5: Coordination with Other Policies

a. Attendance and Non-FMLA Medical/Personal Leave

Absences covered under Non-FMLA Medical or Personal Leave of Absence will not be counted as occurrences of absenteeism under SH's attendance policy. However, team members may be subject to discipline up to and including employment termination if, during their leave, they engage in activities inconsistent with the stated purpose for the leave. For example, team members may be prohibited from engaging in other similar employment during leave. Misrepresentations or any act of dishonesty related to leave will also be grounds for discipline, up to and including employment termination.

POLICY: Non-FMLA Medical and Personal Leave of Absence

b. Worker's Compensation and Non-FMLA Medical/Personal Leave

Non-FMLA Medical Leave and Worker's Compensation can run concurrently. Non-FMLA Medical Leave requests for work injuries involving Workers' Compensation should follow the same process as FMLA policy with respect to the verification or clarification of medical certification.

Section 6: RELATED SH RESOURCES: *Employee Handbook; Leave of Absence Guide; POLICY: Attendance; POLICY: Bereavement; POLICY: Internal Transfers; POLICY: Military Leave of Absence; POLICY: Paid Time Off: Exempt (Salaried) Employees Director Level and Above Unlimited; POLICY: Paid Time Off: Exempt (Salaried) Employees Non-Director Level and Above; POLICY: Paid Time Off: Non-Exempt (Hourly) Employees; POLICY: Paid Sick Time/POLIZA: Tiempo de Enfermedad Pagado; POLICY: Lactation Support.*

RELATED FEDERAL/STATE RESOURCES: [*The Employee's Guide to the Family Medical Leave Act*](#), [*Arizona Fair Wages and Healthy Families Act*](#).

¹ Family member is defined as a team member's spouse, parent or child as defined by the Family Medical Leave Act (FMLA).
