Family and Medical Leave Policy

The Leave Policy

As an employee of Trindel Insurance Fund (hereafter referred to as the "Fund"), under the Federal Family and Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA"), you may be eligible to take up to 12 weeks of unpaid, job-protected Family and Medical Leave in a rolling 12-month period measured backward from the first date you begin taking Family Medical Leave if: (1) you have worked for the Fund for at least 12 months, and for at least 1,250 hours in the last 12 months; and (2) you are employed at a worksite with 50 or more employees within a 75-mile radius.

Reasons for Leave

You may take Family and Medical Leave for any of the following reasons: (1) the birth or care of a newly born or adopted child, or a child placed with you for foster care; (2) to care for a qualifying family member, including a spouse, registered domestic partner, child, or parent with a serious health condition; or (3) because of your own serious health condition that renders you unable to perform an essential function of your position.

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 you from performing the functions of your job, or prevents your family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. Incapacity due to pregnancy is a serious health condition under the FMLA, but not the CFRA.

Providing Notice of Leave

To avoid delay or denial of your request, you must give the Fund at least 30 days' prior notice of the need for foreseeable leave, preferably in writing. If this is not possible, you must give notice as soon as practicable. If you are planning a medical treatment, you must consult with the Fund first regarding the dates of such treatment. You must generally follow the Fund's call-in procedures for reporting any absences.

You must provide sufficient notice for the Fund to determine if the leave will qualify as Family and Medical Leave and the anticipated duration and timing of the leave. Sufficient information may include that you are unable to perform job functions, that your family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting your need for Servicemember Family and Medical Leave (described further below). You must also inform the Fund that the requested leave is the reason for which Family and Medical Leave was previously taken or certified.

Notifying You of Eligibility

The Fund will notify you whether you are eligible for Family and Medical leave. If you are eligible, we will provide additional information about the leave and your rights and responsibilities. If you are not eligible, we will explain why.

The Fund will also notify you when leave will be designated at Family and Medical Leave and the amount of leave that will count against your leave entitlement. If the Fund determines that the leave is not Family and Medical Leave, we will notify you.

Medical Certification

For your own serious health condition or that of a family member, you may be required to provide a medical certification from the relevant health care provider. If the Fund reasonably doubts a medical certification provided for your own serious health condition, the Fund, at its expense, may require an examination by a second and/or third health care provider.

Leave is Unpaid

Family and Medical Leave is unpaid, although you may be eligible for wage-replacement benefits such as short or long-term disability payments and/or workers' compensation. You may use paid time off before taking the remainder of your leave without pay; however, you must comply with all Fund policies regarding the use of such paid time off. When you are not receiving any wage-replacement benefits, the Fund may require you to use paid time off. Substituting paid time off does not extend the maximum 12-week leave period, and you cannot receive more than 100% of your salary.

You will not earn any additional paid time off during any unpaid portion of your Family and Medical Leave.

Medical and Other Benefits

During Family and Medical Leave, the Fund will maintain your health benefits as if you continued to be actively employed. If you take a PDL according to the policy above, the Fund will maintain your health benefits during the entire PDL and up to an additional 12 weeks of Family and Medical Leave. In some circumstances, if you elect not to return to work for at least 30 calendar days at the end of the leave period, you may be required to reimburse the Fund for the cost of the health benefit premiums paid by the Fund.

Intermittent and Reduced Schedule Leave

Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-leave schedule (reducing the usual number of hours you work per workweek or workday) if there is a medical need for the leave, and if that need can be best accommodated through an intermittent or reduced leave schedule. Employees also may be eligible for certain intermittent leave for birth or placement of a child.

While you are on an intermittent or reduced leave schedule based on planned medical treatment, the Fund may temporarily transfer you to an available alternative position that better accommodates your recurring leave and has equivalent pay and benefits. For salaried employees, if leave is unpaid, the Fund may reduce your salary based on the amount of time actually worked unless otherwise prohibited by law.

Returning from Leave

Under most circumstances, when you return from a Family and Medical Leave you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. Use of Family and Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave.

No Work While on Leave

Taking another job while on Family and Medical Leave may be considered a voluntary resignation of your employment. In addition, failure to notify the Fund of your availability for work when it occurs, failure to return to work when called by the Fund, or your continued absence from work because your leave must extend beyond a reasonable period of time may be deemed a voluntary resignation of your employment.

Definitions

For the purposes of this policy, the definitions provided in 2 C.C.R. section 7297.0 and 29 CFR section 825 *et. seq*. apply. "Registered Domestic Partner" is defined as provided in California Family Code section 297(b).

Unlawful Acts by Employers

The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under the FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.