Non-FMLA Medical Leave

Boston Children’s Hospital (BCH) believes that it is important to support employees who need medical leave even when they are not covered by Family and Medical Leave Act (FMLA) Policy. This policy describes eligibility for Non-FMLA Medical Leave, leave coverage, the process for requesting leave, pay and benefits during leave.

Eligibility

If an employee is not eligible for leave under the FMLA policy or has exhausted available FMLA time, the employee may still be eligible for a Non-FMLA Medical Leave if one of the below apply:

- The employee is a benefits-eligible employee with at least 3 months of continuous service; or
- The employee qualifies as a disabled person under state or federal law and/or is receiving short-term disability benefits under the Hospital’s Short-Term Disability Insurance program.

Leave Coverage

Medical leave under this policy provides eligible employees with unpaid time-off for any of the following events:

- **Birth, adoption or assumption of foster care parenting of a child**
- **The serious health condition of the employee**  
  A “serious health condition” is an illness, injury, impairment, or physical or mental condition, that requires either inpatient care in a medical facility or continuing treatment by or under the supervision of a health care provider. For example:
    - Inpatient Care for non-elective surgery or serious illnesses.
    - Incapacity of more than 3 consecutive calendar days accompanied by follow-up treatment with a health care provider.
    - Incapacity due to pregnancy or prenatal care.
    - Chronic serious health conditions which result in episodic incapacity and require ongoing treatment.
    - Periodic or continued absence from work to receive follow-up treatments for a serious health condition.
    - Occupational injuries that meet the definition of a serious health condition. FMLA-eligible employees who are on leave for occupational injuries are automatically placed on FMLA Leave.

- **The employee’s care of a covered family member with a serious health condition.** A covered family member is a spouse, parent, sibling, child or step-child, grandparent, grandchild in-law, a child to whom the employee stands in loco parentis, or any other individual recognized as a family member under the FMLA.
• **Certain family needs arising from the military service of an employee’s immediate family member or next of kin.** (See the Human Resources Policy Manual: *Military Leave* for specific information on military-related FMLA leave.)

For the purposes of determining coverage, your own serious medical condition and a leave of absence related to the serious medical condition or disability of a covered family member mean the same as they do under Human Resources Manual: Family and Medical Leave Act Leave policy.

Leave coverage, including the duration of leave, is determined on a case-by-case basis, taking into account the operational needs of the Department, the particular needs and circumstances of your situation, and any laws that may apply.

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### Leave Request Process

The employee must notify their manager of their need for non-FMLA leave and the expected duration of leave as soon as possible. To apply for a leave, *Leave of Absence FAQs for Employees*.

- If the leave is foreseeable, employees must provide 30 calendar days advance notice.
- If the leave is unforeseeable, the employee must make every practicable effort to notify manager, ordinarily no later than 1 to 2 working days after the employee becomes aware of the need for the leave.

The employee is not required to disclose confidential medical information related to their own medical condition or that of a family member to their manager as a condition of requesting or obtaining an approved Medical leave.

### Medical Certification

Medical leave requests must be supported by a medical certification completed by a health care provider and sent to the absence management vendor. Employees are responsible for providing complete and sufficient certification within 15 days calendar days.

### Approval or Denial of Medical Leave

Medical leave may be denied when the employee does not submit a completed medical certification form; does not have a serious medical condition or otherwise does not demonstrate the need for a medical leave, does not meet the eligibility requirements; or is not entitled to medical leave.

### Pay and Benefits during Leave

#### Pay

Non-FMLA Medical Leave is unpaid. Income protection may be available under the Hospital’s short-term disability policy for employees, as described below.
Benefits

Earned Time
The first 7 calendar days of leave will automatically be deducted from the employee’s Earned Time (ET) Bank unless:

- The leave is for maternity or parenting purposes (birth, adoption, foster care), in which case the deduction is optional;
- The employee is not a participant in the ET program.

After the first 7 days, available ET will be used to supplement income up to 100% of your base pay, unless you have elected not to use your ET for maternity or parenting purposes. Refer to the Earned Time policy for detailed information about earned time accrual and use.

Short-Term Disability (STD) Benefits
If the employee qualifies for Non-FMLA Medical Leave for their own serious health condition or pregnancy, the employee should immediately apply for short-term disability (STD) benefits. For additional information regarding Short Term Disability, please refer to the Leave of Absence FAQs for Employees.

Medical and Dental Insurance
While on medical leave, medical and dental insurance remain in place. The Hospital continues to pay the employer subsidy for employee medical and dental plans. You remain responsible for your portion of the benefits (s) premiums while on medical leave.

For all other benefit questions, please contact the Human Resources Service Center at 617-355-7780.

Return to Work
Any employee returning from Non-FMLA Medical Leave due to their own serious health condition must present a medical certification of fitness for duty from their treating provider and be cleared by Occupational Health as a condition of return to work. The employee will be required to show that they can safely perform the essential functions of their position, with or without reasonable accommodation. Essential functions are found in the standard job description associated with the employee’s position and may include additional requirements associated with their particular position or schedule.


This requirement will be waived for individuals on Non-FMLA Medical Leave to care for an immediate family member.

Job Restoration
Job restoration is not guaranteed under the medical leave policy. You may be eligible to return to your original job, or an equivalent job with equivalent pay and benefits, based on applicable state or federal laws and/or operational needs of the department.