

**General FAQ's on RCUH Family Leave Policy – Family Medical Leave Act (FMLA)
and Hawaii Family Leave Law (HFL)**

1. What is Family Leave?

The purpose of Family Leave is to provide job protected leave for qualified reasons under the FMLA and/or HFL in order to balance work and family life. Upon completion of your leave, you will be restored to the same or equivalent job (with equal pay, benefits, and terms and conditions) unless your project experiences a layoff or work reductions and you would have lost the position had you not been on family leave.

2. What are the qualified reasons for taking Family Leave?

Family Leave under the FMLA and/or HFL may differ. See below for a list of qualified reasons for taking Family Leave under each federal (FMLA) or state (HFL) law:

Family Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFL)
<ul style="list-style-type: none"> • For the birth or placement of a child for adoption or foster care • To care for a spouse, son, daughter, or parent with a serious health condition • For your own serious health condition that makes the employee unable to perform the essential job functions of his or her job • Because of a qualifying reasons arising out of the covered active duty status of a military member who is the employee's spouse, son, daughter, or parent (Qualifying Exigency Leave) • To care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent or next of kin of the covered service member (military caregiver leave) 	<ul style="list-style-type: none"> • Care for the newborn child of the employee or for the adoption of a child by the employee • To care for an employee's child, spouse or reciprocal beneficiary, parent, or sibling with a serious health condition

3. Do I qualify for Family Leave?

Please see below for a list of eligibility requirements under FMLA and HFL (NOTE: If you qualify for both FMLA and HFL, you will be required to run both leaves concurrently):

Family Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFL)
<ul style="list-style-type: none"> • Worked at least twelve (12) months (need not be consecutive) with the RCUH. • Worked at least 1,250 hours of service during the twelve (12) months before your requested leave begins. • Employed at a work site with 50 employees within 75 miles. 	<ul style="list-style-type: none"> • Worked at least six (6) months of consecutive service with the RCUH. • No restrictions based on number of hours worked

4. How long would my Family Leave entitlement be if I qualify for FMLA and/or HFL?

Family Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFL)
<ul style="list-style-type: none"> • Total of twelve (12) work weeks during the Calendar Year (January – December) • Total of twenty-six (26) work weeks during a single twelve (12) month period under Military Caregiver Leave 	<ul style="list-style-type: none"> • Total of four (4) weeks during the Calendar Year (January – December)

If you qualify for both FMLA and/or HFL, your leave will run concurrently and you will not be entitled to more than twelve (12) weeks total.

5. Is Family Leave time off paid or unpaid?

Family Leave is generally paid time if you have available vacation and/or sick leave. If you run into an unpaid Family Leave status, you will be notified and given an opportunity to continue your health benefits (if you are covered under RCUH’s Health Benefits) provided you remit timely payments for the “employee” portion of your health premiums. Under FMLA, the RCUH will require you to substitute your Family Leave accordingly to type of leave and accrued and available vacation and/or sick leave. Under HFLL, you have the OPTION of taking unpaid family leave. If you do not choose to take unpaid leave, you will be required to use your first two weeks (10 days) as sick leave (if not available then vacation leave until exhausted) and the following two weeks (10 days) as vacation (if not available then leave without pay).

6. What happens to my Health Insurance and Other Insurances when on Family Leave?

For the duration of approved Family Leave, your health insurance (if you were enrolled prior to going on Family Leave) for you and your dependents will continue. If you are on paid Family Leave, the RCUH will continue to take out your medical premiums via payroll deduction. However, if you are on unpaid Family Leave, you must submit timely payments of the “employee” only portion of your health insurance premiums. The RCUH will notify you if you are on an unpaid family leave status and will provide you with the premium amounts and due dates for payment. The RCUH will continue Long Term Disability, Long Term Care and Life Insurance coverage (if you are 75% FTE or higher) during periods of paid and unpaid Family Leave.

7. What happens if I don’t make my Health Insurance payments on time?

If your health plan premium is not paid within thirty (30) days of the due date, you and your dependents (if applicable) will be dropped from RCUH’s Health Plan coverage. We will provide you with written notice that payment has not been received and allow you at least fifteen (15) days after the date of the letter to provide your payment before your health coverage stops. You will then be issued a COBRA notice, which will allow you to continue your health insurance at 102% of the premium.

8. Can I take intermittent leave while on Family Leave?

Family Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFLL)
<ul style="list-style-type: none"> • Intermittent or reduced leave schedule permitted for serious health condition only when medically necessary and approved by your treating physician • For birth or adoption of a child, intermittent leave is not permitted 	<ul style="list-style-type: none"> • Allowable for all qualifying reasons under HFLL qualifying events
<p><i>Under intermittent leave, the employee must make a reasonable effort to schedule treatment and take time off so as not to unduly disrupt the employer’s operations. The employee must also follow the RCUH and Project procedures for requesting time off.</i></p>	

9. What if my spouse also works for RCUH?

Family Medical Leave Act (FMLA)	Hawaii Family Leave Law (HFLL)
<ul style="list-style-type: none"> • BOTH of you will SHARE the twelve (12) weeks of FMLA leave per Calendar Year (January – December) for the following reasons: birth or placement of a health child, care for a health child after birth or placement, or to care for a parent with a serious health condition. • If leave is for your OWN serious health condition or to care for a spouse, son or daughter with a serious health condition, BOTH individuals are entitled to twelve (12) work weeks each. • For Military Leave, BOTH of you will SHARE the twelve (12) weeks of FMLA leave per applicable “single 12 month period” 	<ul style="list-style-type: none"> • BOTH of you may take up to four (4) weeks of leave per Calendar Year (January – December)

10. How do I request for Family Leave and what documents do I need to turn in?

You MUST fill out and submit the following documents:

- RCUH Family Leave Request Form (Form B-11)
- Applicable WH-380 forms and/or certifications (refer to the Family Leave Request Form for the specified documents that must be turned in)

11. How much in advance do I need to notify my employer of Family Leave?

You must request for Family leave at least thirty (30) days in advance if the leave is foreseeable. If the leave is unforeseeable, you must request for Family Leave as soon as possible within a reasonable and practicable period of time.

12. What can I expect after I file for Family Leave?

Once the RCUH receives your RCUH Family Leave Request Form and applicable WH-380 forms and/or certifications, you can expect to receive the following within five (5) business days:

- Notice of Rights and Responsibilities: This notice will provide you the following information:
 - Eligibility for FMLA and/or HFLL – Qualified or Not Qualified (if not qualified, we will provide a written reason why your request for leave is not FMLA/HFLL qualified)
 - If qualified and approved, the following information will be in writing:
 - Statement that leave may be counted as FMLA and/or HFLL
 - Applicable 12 month period for entitlement
 - Certification requirements
 - Substitution requirements
 - Arrangements for premium payments for Health Insurance
 - Status as “key” employee – only if applicable
 - Job restoration and maintenance of benefits rights
- Notice of Designation: This notice will provide you the following information if the RCUH has enough information to determine if the request for leave is FMLA and/or HFLL qualifying:
 - Amount of leave counted against leave entitlement and current paid leave balances (vacation/sick leave balances)
- **IMPORTANT: COMMUNICATION is key!**
 - You ***MUST*** follow time reporting procedures and make sure that you turn in your timesheet ***ON TIME*** in order to be paid for Family Leave.
 - You must communicate with your supervisor, timekeeper, and RCUH Benefits if your need for leave changes.
 - You must ensure that RCUH Benefits receives your health insurance premium payments on time if you are on an unpaid Family Leave status.

<u>Contact Information for RCUH Benefits</u>

Email: RCUH_Benefits@rcuh.com

Phone: (808) 956-2326
