

Executive Board
09/23/2025
Administration Support Committee
09/22/2025

Item of Consideration: Recommendation to Revise Policy 846 Family Medical Leave Act

Highest Authority For this item: Executive Board

Originating Source: Administration Support Committee

Background: Regarding the BGCT's Medical Leave of Absence HR recommends the following procedural changes. These recommendation changes are better structured around our current policies.

Background Attachments: A redline version of Policy 846 is included below.

Recommendations: We recommend revising Policy 846 Family Medical Leave Act.

846 FAMILY AND MEDICAL LEAVE OF ABSENCE

I. General Provisions

It is the policy of the BGCT to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). It is also the policy of the BGCT to grant up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Service members Act of 2007. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

II. Eligibility

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- A. The employee must have worked for the employer for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of the week or if the employee is on leave during the week.

B. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours' eligibility test for an employee under FMLA.

C. The employee must work at a location that has at least 50 or more employees within a 75-mile radius.

D. Employees who meet the eligibility criteria listed under A and B above, but do not meet the criteria under C, will be eligible for up to 12 weeks of family and medical leave during any 12-month period, in accordance with BGCT policy. It is also the policy of the BGCT to grant up to 26 weeks of leave in any 12-month period to care for injured service members. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. Employees granted leave under this section of the policy will not have the leave time counted against their FMLA allotment within the 12-month period, should they transfer to a location with at least 50 or more employees within a 75-mile radius, per FMLA guidelines issued by the Department of Labor (DOL).

III. Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

A. The birth of a child and in order to care for that child.

i. The Maternal Leave policy allows the mother to take up to six weeks paid Medical Leave for natural birth, and eight weeks paid Medical Leave for cesarean birth. The Paternal Leave policy allows the father to take up to three weeks paid Medical Leave for natural or cesarean birth.

B. The placement of a child for adoption or foster care and to care for the newly placed child.

i. If a husband and wife both work for the organization and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the organization and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

C. To care for a spouse, child or parent with a serious health condition.

D. The serious health condition (described below) of the employee.

i. An employee may take leave because of a serious health condition that makes the employee unable to perform the duties of the employee's position.

ii. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of

incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

iii. The policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

iv. If an employee takes paid time off for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the BGCT may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

v. Employees with questions about what illnesses are covered under this FMLA policy or under the BGCT's PTO policy are encouraged to consult with the Human Resources department (HR).

E. A covered family member's active duty or call to active duty in the Armed Forces.

i. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service includes helping the family member prepare for the departure or caring for children of the service member. The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

ii. Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

F. To care for an injured or ill service member.

i. This leave may extend up to 26 weeks in a 12-month period for an employee whose spouse, son, daughter, parent, or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperating or therapy, even if the service member is on temporary disability retired list.

ii. Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave

entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks.

iii. An eligible employee can take up to 12 weeks (or up to 26 weeks of leave to care for an injured or ill service member) under this policy during any 12-month period. BGCT will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the company will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks (or 26 weeks for the care of an injured or ill service member) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.

IV. Intermittent Leave

Family Medical Leave may be used intermittently or on a reduced basis as approved by the BGCT. Exempt and non-exempt employees have 480 available hours of FMLA (or 960 hours to care for an injured or ill service member) over a 12-month period. Exempt employees may track time away from work under the FMLA intermittent leave provision.

V. Employee Benefits While on Family Medical Leave

Where the medical leave results from a “disability” as defined in the Americans with Disabilities Act, the BGCT may extend the medical leave period to reasonably accommodate disability.

Medical leaves resulting from injuries on the job for which BGCT’s Workers’ Compensation Insurance coverage is available may differ according to state and federal law. All BGCT-paid time off benefits including time away from work as a result of an occupational injury will run concurrent with Family Medical Leave time away from work when the illness or injury meets the criteria as described in the Family Medical Leave Act.

While on leave, the employee will not lose PTO that accrued prior to the start of the leave; however, no additional PTO will accrue during an unpaid leave. Holidays will be used to receive pay during a leave of absence based upon the guidelines of the holiday program. The PTO benefit runs concurrent with the FMLA. Employees must verify with Human Resources which type of time away from work benefit, to include PTO, will provide pay, if any, while on FMLA.

The BGCT health care benefits will continue while an employee is on an approved Family Medical Leave. The BGCT will continue to pay the same amount of benefit premiums towards coverage as if the employee were working at the regular job. The employee will be responsible for paying the employee portion of benefit premiums including health, dental, and life amounts.

VI. Employee Status After Leave

If an employee takes Family Medical Leave and is able to and does return to work by the end of the approved leave period, he/she may be reinstated to the same job or to a

position with equivalent pay, benefits, and terms and conditions of employment. This reinstatement may not be possible where business necessity dictates otherwise or where a person is no longer able to perform the essential job duties.

In the event the employee does not return to work at the end of the approved leave period, the BGCT will assume he or she has resigned. At that time, the employee will be given information about certain continuation and costs of insurance benefits. The employee may contact the BGCT at any time when the employee later becomes able to return to work and wants to be considered for open positions for which he/she qualifies.

VII. Certification of the Serious Health Condition of the Employee or the Spouse, Child or Parent of the Employee

The BGCT may ask for certification of the serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form. Request for a medical certificate must be made in writing as part of the employer response to employees request for leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential duties of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Procedure for Requesting Leave for 1) the birth of a child or in order to care for that child; 2) the placement of a child or adoption or foster care and to care for the newly placed child; 3) to care for a spouse, child or parent with a serious health condition; or 4) the serious health condition of the employee

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reason(s) with a copy to the HR department. Failure of the employee to provide a written request for leave cannot be grounds to deny or delay the taking of FMLA leave.

The BGCT will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable. For employees on

intermittent or recurring leave for the same incident, this notice will be provided every six months.

When an employee plans to take leave under this policy, the employee must give the BGCT 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the company's operations.

If an employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice. While on leave, employees are requested to report periodically to the BGCT regarding the status of the medical condition and their intent to return to work.

VIII. Documentation of the Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces

Employees requesting this type of service member FMLA leave must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.

IX. Documentation of the Need for Service member FMLA Leave to Care for an Injured or Ill Service member

Employees requesting this type of service member FMLA leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

Procedure for Requesting Leave for 1) a covered family member's active duty or call to active duty in the Armed Forces or 2) to care for an injured or ill service member

All employees requesting this type of FMLA leave must provide verbal notice with an explanation of the reason(s) for the needed leave to their immediate supervisor, who will advise the HR department. Leave may commence as soon as the individual receives the call-up notice. If the leave is foreseeable, the immediate supervisor may require the employee to provide a written request for leave and reason(s) with a copy to the HR department.

The BGCT will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable.

X. Supplemental Employment

The Texas Baptist does not prohibit an employee from having supplemental employment if it does not interfere, deter, nor adversely affect their current job duties for the Convention. While on Medical Leave employees are prohibited from all supplemental employment.

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