



## Family and Medical Leave (FMLA)

Effective Date: August 1, 2014

Issue/Revision Date: February 17, 2015

### Purpose

NV Energy's Family Medical Leave Policy is designed to comply with all applicable federal and state laws. In general, family medical leave will be administered according to the Family Medical Leave Act of 1993 (FMLA) and the National Defense Authorization Act of 2008. The administration of this policy will also comply with applicable state law where such state law provides a greater benefit. 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.

For a summary of employee rights and responsibilities under FMLA and the National Defense Authorization Act, please review [Appendix C-WH Publication 1420](#) that is provided by the Wage and Hour Division of the U.S. Department of Labor.

### Eligibility

An employee becomes eligible for FMLA after completing one year of service and having worked at least 1,250 hours in the 12 months preceding the leave. For employees serving in the U.S. Armed Forces, the hours such an employee should have worked from the date of hire but for his or her military service, are credited toward the employee's required 1,250 hours worked for FMLA eligibility.

### Basic Leave Entitlement

An eligible employee may take FMLA for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for the employee's child after birth or placement for adoption or foster care.
- To care for the employee's spouse, son, daughter or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the employee's job.

An employee is entitled to a **combined** maximum of up to 12 weeks leave in a rolling 12-month period for one, or a combination of reason(s) listed above. Leave for birth, adoption or fostering a child is expected to be taken within 12 months of the event. When both spouses are employed by the company, employees are entitled to a combined leave of up to 12 weeks in a rolling 12-month period for birth, adoption, fostering of a child or care of the employee's parent with a serious health condition. Each spouse may take 12 weeks for his or her own or a nonparent family member's serious health condition.

### Definition of a Serious Health Condition and Intermittent Leave

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 the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the requirement of continuing treatment may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care



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provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

FMLA leave may be taken on an intermittent or reduced schedule basis in certain circumstances which include medical necessity or military qualifying events. Intermittent or reduced scheduled leave is FMLA leave taken in separate blocks of time due to a single qualifying reason and any certified leave reducing the employee's usual number of hours per workweek or hours per workday.

### Example:

A full-time employee's serious health condition requires treatment for four hours of medication/treatment at a local health facility once a week. If FMLA certified, the four hours the employee must take each week would be counted towards the employee's annual eligible FMLA entitlement.

### **Use of Paid Leave Concurrently with FMLA**

Employees must use all earned, unused paid leave available to them concurrently with FMLA leave. Employees receiving workers' compensation or short-term disability payments that do not fully equal their regular earnings may use earned, unused paid leave to supplement those payments up to their regular earnings amount until such paid leave is exhausted. When all other paid leave is exhausted, FMLA leave will be unpaid. In using paid leave, employees must comply with the company's normal paid leave policies.

### **Benefits and Protections**

Group health plan benefits will be maintained during eligible FMLA leave. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.

Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the FMLA leave.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable using the company's normal call-in procedures. Employees must make reasonable efforts to schedule leave for planned medical treatment to avoid disrupting company operations.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform their normal job functions; a family member is unable to perform daily activities, a need for hospitalization or continuing treatment by a health care provider or circumstances supporting the need for military family leave. Employees need also state if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will be required to provide a certification and periodic recertification supporting the need for leave.



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### Employer Responsibilities

The company must advise employees of their rights and responsibilities. If FMLA leave is requested, the company must inform the employee if the requested leave is eligible and FMLA protected and designated. Also, the company must advise the employee if any additional information is required. If the requested leave is determined not eligible, the company must advise the employee the leave is ineligible and give the employee a reason why the request is ineligible.

The company must also provide information to update the employee about the amount of leave counted against the employee's annual entitlement.

### Military Family Leave Entitlements

#### Military Caregiver Leave

In addition to the basic FMLA leave entitlement above, employees who are members of the U.S. Armed Forces are entitled to leave in the following circumstances:

- An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of leave during a single 12-month period to care for the service member. A covered service member is a current member of the U.S. Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. The single 12-month period for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency that arises out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

#### Qualifying Military Exigency Leave

An eligible employee is entitled to a total of 12 weeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.



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- For a qualifying exigency such as: (1) a short-notice deployment (2) to attend military events and related activities (3) for childcare and school activities (4) to make financial and legal arrangements associated with military duty (5) for counseling (6) rest and recuperation (7) post-deployment activities and (8) additional activities where the employer and employee agree to the leave arising out of the fact the spouse, or a son, daughter or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the U.S. Armed Forces in support of a contingency operation.

### Unlawful Acts

FMLA makes it unlawful for any employer to:

- Interfere with, restrain or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for an employer's interference with an employee's rights under FMLA.

For access to complete FMLA guidelines and procedures, review the Family and Medical Leave Procedures. Additional benefits may apply according to the laws of the state in which the employee works.